HUMAN RIGHTS OF WORKERS IN LEATHER TANNING INDUSTRY - A STUDY

[WITH SPECIAL REFERENCE TO VANNIAMBADI TALUK OF VELLORE DISTRICT IN TAMIL NADU]

A thesis submitted to the

UNIVERSITY OF MADRAS

In partial fulfillment of the requirement for the award of the Degree of

DOCTOR OF PHILOSOPHY

IN

PUBLIC ADMINISTRATION

By

Mrs. A. AMUDHA, M.A., M.Phil.

Under the Supervision and Guidance of

Dr.P.EBENEZER BENJAMIN
M.A., M.Phil.,B.L.,M.B.A.,Ph.D.,Post Doctoral (Germany)
Professor and Head
Department of Public Administration



MADRAS CHRISTIAN COLLEGE (Autonomous)
TAMBARAM, CHENNAI – 600 059.

OCTOBER - 2009

Dr.P.EBENEZER BENJAMIN
M.A., M.Phil., B.L., M.B.A., Ph.D., Post Doctoral (Germany)
Professor and Head,
Department of Public Administration,
Madras Christian College (Autonomous),
Tambaram, Chennai – 600 059, INDIA.
India-E.mail:ebenezer_benji@yahoo.co.in
Phone : 044-45572470 / (O) 9444161499



CERTIFICATE

I certify that the thesis entitled **"HUMAN RIGHTS OF WORKERS IN LEATHER TANNING INDUSTRY - A STUDY [WITH SPECIAL REFERENCE TO VANNIAMBADI TALUK OF VELLORE DISTRICT IN TAMIL NADU]"** submitted by **Mrs.A.AMUDHA** for the award of the degree of Doctor of Philosophy is the record of work carried out by her during the period of study from May 2005 to October 2009, under my guidance and supervision, and that this work has not formed the basis for the award of any degree, diploma, associateship, fellowship or other titles in this University or any other University or Institution of Higher Learning.

Place : Tambaram

Date : 12-10-2009

(Dr.P.EBENEZER BENJAMIN)
Guide and Supervisor



Dr. P. EBENEZER BENJAMIN
M.A.,M.Phil.,B.L.,M.B.A.,Ph.D.,Post Doct (Germany)
Professor & Head,
Dept. of Public Administration
Madras Christian College, Tambaram,
Chennai - 600 059

DECLARATION

I declare that the thesis entitled **"HUMAN RIGHTS OF WORKERS IN LEATHER TANNING INDUSTRY - A STUDY [WITH SPECIAL REFERENCE TO VANNIAMBADI TALUK OF VELLORE DISTRICT IN TAMIL NADU]"** submitted by me for the award of degree of the Doctor of Philosophy is the record work carried out by me during the period from May 2005 to October 2009, under the guidance and supervision of **Dr.P.EBENEZER BENJAMIN**, Professor and Head, Department of Public Administration, Madras Christian College and has not formed the basis for the award of any degree, diploma, associateship, fellowship or other titles in this University or any other University or Institution of Higher Learning.

Place : Tambaram

Date : 12/10/09

A. Am

(A.AMUDHA)

ACKNOWLEDGEMENT

First I thank Almighty **GOD** for His everlasting Mercy, Grace and Blessings to enable me to complete this research work successfully.

I wish to thank and express my sincere gratitude and appreciation to my research guide and supervisor, **Dr.P.EBENEZER BENJAMIN**, Professor and Head, Department of Public Administration, Madras Christian College, for his tremendous encouragement, expert guidance, invaluable suggestions, and untiring support throughout the period of the study.

I also extend my thanks to my Professors **Dr. William Gnanasekaran, Dr.T.Johnson Sampathkumar,** Department of Public Administration, Madras Christian College. I also wish to thank my colleagues **Dr.V.Vijay Devanesan** and **Dr.S.Kalyani** of the same Department for their encouragement and co-operation to complete my research work.

I express my sincere thanks to **Dr.S.Govindaraju. Retired Professor and Head, Department of Statistics, Madras Christian College and Mr.Gopi, Statistician,** for their guidance in assisting me to perform the statistical analysis of my research study.

I wholeheartedly thank **Mr.Sambandham, Retired District Judge and Ex-Member of State Human Rights Commission** for his valuable guidance in identifying Human Rights Issues relevant to the topic of research study.

I am grateful to **Mr.Mathivanan and Mr.Saravanan, Scientists, Central Leather Research Institute** for elaborating the tanning process and other related activities in the tanneries. In spite of their busy schedule the scientists spent some sessions with me for discussion. I express my sincere thanks to **Mr.Aaravazhi and Mr.John, Librarians, Central Leather Research Institute,** for rendering me relevant research materials for reference.

I thank **Mr.Elangovan, Inspectorate of Factories,** for providing me information on various laws applicable for workers and for helping me in formatting the Questionnaire.

I wish to thank **Mr.Abdul Raheem, Chairman, Pallavaram Tanners Association** who made arrangements and sought the permission from various tanneries to permit me to visit them to gather relevant information.

I also thank **Mr.Arul Srinivasan, Secretary for Tannery, CITU, Vellore and Mr.Kennedy, Advocate** for helping me to visit various tanneries in the Vanniambadi Taluk of Vellore District to administer the questionnaire among the workers.

I extend my thanks to **Mrs.Geethika Sivaramakrishnan, Head, Department of English, Srimathi Lakshmiammal Memorial School,** for helping me in proof reading the thesis.

Finally I owe this entire thesis to my family members who extended their fullest co-operation in all my endeavours. In this connection I wholeheartedly thank my Father Late **Mr.A.Appadurai** and Mother **Mrs. Rajeswari Appadurai** whose motivation and encouraging words gave effect throughout the thesis. I also thank my brothers **Mr.Balraj and Mr.Aravindraj**, sister, **Mrs.Aruna Kumar,** my **Father-in-law, Mr. M. Duraisamy and Mother-in-law, Mrs. M. Suriya** and my co-sisters **Mrs. Nirmala Senthilvelavan and Mrs. Dhanalakshmi Lakshiminarayan** for their good support.

I thank my husband **Mr.M.D.Goipnath, Advocate, High Court** for his incomparable and untiring efforts without whom this research would have been just a dream. Last but not the least I thank my children **Master Vimalnath and Master Adithyanath** for cooperating so well and being good that made me to complete this research work in a peaceful atmosphere.

(A.AMUDHA)

CONTENTS

LIST OF ABBREVIATIONS

UDHR	-	Universal Declaration of Human Rights
ILO	-	International Labour Organization
ICCPR	-	International Convention on Civil and Political Rights
ICESCR	-	International Convention on Economic, Social and Cultural Rights
NHRC	-	National Human Rights Commission
CITU	-	Centre of Indian Trade Union
SPSS	-	Statistical Package for Social Science
UN	-	United Nations
FAO	-	Food and Agriculture Organization
UNESCO	-	United Nations Education, Social and Cultural Organization
WHO	-	World Health Organization
INC	-	Indian National Congress
WTO	-	World Trade Orga nization
CLRI	-	Central Leather Research Institute
CLE	-	Central Leather Exports
NEERI	-	National Environmental Engineering Institute
AISHTMA	-	All India Skin and Hide Tanners and Merchants Association
HRD	-	Human Resource Development
ETP	-	Effluent Treatment Plant
NGO	-	Non Government Organization
PPE	-	Personal Protective Equipment
SCBA	-	Self Contained Breathing Apparatus
OPD	-	Out Patient Department
NIOSH	-	National Institute of Occupational Safety and Health
OSH	-	Occupational Safety and Health

LIST OF MAPS

LIST OF TABLES

LIST OF FIGURES

Chapter - 1

Introduction

CHAPTER – 1

INTRODUCTION

"You shall not oppress a hired servant who is poor and needy, whether one of your brethren or one of the aliens who is in your land within your gates".

"Each day you shall give him his wages, and not let the sun go down on it, for he is poor and has set his heart on it; lest he cry out against you to the Lord, and it be sin to you".

- Holy Bible, Deuteronomy 24:14,15[1]

Human Rights are essential for full development of human personality and for humane happiness. They are indispensable for the physical and mental upliftment of the human race. These rights are inalienable because the enlightened conscience of the community would not permit the surrender of these rights by any person even of his own volition. Human Rights are inviolable because they are not only vital for the development of human personality but also without them men would be reduced to the level of animals. [2] Human Rights are fundamental natural rights which are the most precious possession of mankind and a world without them will have to face a perpetual risk of moral depredation. Human Rights are also called fundamental rights or natural rights as such; these cannot be taken away by any legislative measure anywhere.[3]

Human Rights are intertwined, interrelated and inseparable in every culture and native to all nations. The spectrum of Human Rights illuminates in a diversified dispersion as civil rights, cultural rights, political rights and so forth, to name but a few. These rights are catalogued and rechristened as basic rights, inherent rights, constitutional rights, legal rights and fundamental rights. Rights enumerated in the aforesaid lines are indivisible, inseparable and

interdependent. When humanism is crucified on blood-curdling cross of social injustice, nobly conceptualized human dignity becomes a teasing illusory proclamation. The brutal betrayal of human feeling manifests with unrealistic promises. The exploitative outcry makes indelible marks of terrible trauma with pensive reflections on the sands of time. With a culpability of silence, the fountain of human feeling dries up leading to unsung, unwet and unhonoured tenurial death. Undauntedly, Human Rights are universal. To achieve the global mission of peace and sustainable development in all spheres of the human family, Human Rights remain as a touch stone[4].

Being a human being one is entitled to have basic rights. All Human Rights derive from the dignity and worth inherent in the human person and that the human person is a central subject of Human Rights and Fundamental Freedoms. In simple terms, whatever adds to the dignified and free existence of the human being should be regarded as Human Right[5]. It is necessary to stimulate an informed discussion of the theme of Human Rights and contribute to a practical and realistic development of the doctrine of Human Rights and its implementation in human affairs[6]. Countless people around the world suffer hunger, disease and lack of opportunity, there by being denied the enjoyment of the most basic economic, social and cultural rights as well as civil and political rights, which is of paramount importance for full realization of human dignity and for the attainment of legitimate aspiration of every individual. The challenge of violation of Human Rights faces the mankind in its stark nakedness. The challenge is global, concern universal and the issue is basic. Although the ideal of Human Rights may tend to be universal, the response to the issue of Human Rights vary according to the kind of society and the stage of national development that relates to the system of Human Rights.

Human Rights violations is a global phenomenon and is likely to recur in the foreseeable future, but ceaseless efforts will continue to prevent such violations because of the extraordinary significance of Human Rights for the

building up of a peaceful and stable world community. In essence the question of Human Rights is a major international factor today with momentous consequences for humankind in the future.

The present study focuses on how far the concepts of Human Rights are applicable to workers with reference to those employed in tanneries.

DEFINITION AND MEANING OF HUMAN RIGHTS

The term 'Right' is legally defined, as something a person is entitled to have, to do, or receive from others within the limits prescribed by the law. In the abstract, rights mean justice, ethical correctness, or consonance with the Rule of Law or moral principles. [7] The concepts of people right's and individual right's have been recognized to some degree in all human civilization. It is well said that, **"The life without rights is slavery, a society without rights is uncivilisized and a constitution without rights is undemocratic".[8] The word 'human' encompasses all men, women and children born on this global earth.[9]**

Human beings are rational beings. They, by virtue of their being human, possess certain basic and inalienable rights, which are commonly known as Human Rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human Rights, being the birth rights are therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. [10]

i. **Richard Wasserstrom** defines Human Rights as 'one ought to be able to claim as entitlements (i.e., as Human Rights) those minimal things without which it is impossible to develop one's capabilities and to have life as human being'[11]. That is, Human Rights are moral entitlements possessed only by persons.

ii. **Tiber Macham** defines Human Rights as universal and irrevocable elements in a scheme of justice. Accordingly, justice is the primary moral virtue within human society and all rights are fundamental to justice[12].

iii. **Joel Feinberg** defines, Human Rights as moral rights held equally by all human beings, unconditionally and unalterably. That is, for Feinberg, Human Rights are moral claims based on primary human needs[13].

iv. **Kant Baier** defines Human Rights as, those moral rights whose moral ground and generating factors are the same, namely being human in some relevant sense[14].

v. **Cranston** asserts that Human Rights by definition is a universal moral right something which all people, everywhere at all times ought to have, something of which no one may be deprived without grave affront to justice, something which is owing to every human being simply because one is human.[15]

vi. **For D.D.Raphael,** Human Rights constitute those very rights which one has precisely because of being a human being[16].

vii. **Martin Golding** defines Human Rights as act of claiming, performed on the level of the human community[17].

viii. **D.D. Basu,** defines Human Rights as those minimal rights which every individual must have against the State or other public authority by virtue of his being a member of the human family, irrespective of any other consideration[18].

The Universal Declaration of Human Rights, 1948, refers Human Rights as the inalienable rights of all members of the human family. The definition provided by The Protection of Human Rights Act 1993 of India, section 2(d) defines Human Rights as the rights relating to life, liberty,

equality and dignity of the individual guaranteed by the constitution or embodied in the International covenants and enforceable by courts of India. [19] In India, the only enforceable rights embodied on the constitution are Human Rights. This assumes that Human Rights are those rights bestowed by law or positively granted by state. This does not hold true because the contemporary thinking is that it pre-exists in law and are inherent in human beings themselves.

However varied may be the terms of definitions, they generally focus upon the idea that Human Rights apply to all human beings because they are human beings and there by distinguishing Human Rights from other rights such as legal, contractual and conventional rights. For the purpose of research the researcher had chosen to study the rights of tannery workers in the perspective of Human Rights concept, because tannery workers are more vulnerable and susceptible to various Human Rights violation.

NATURE OF HUMAN RIGHTS

In out twenty-first century the concept of Human Rights has become a part of social and political consciousness of informed people and public opinion. There is always a concern that there should not be any affront from any quarter to the human dignity. Man as a man is to be valued by other men. It is obvious now that people are being made conscious of their right to existence with dignity by the multimedia, politicians, sociologists, educationists and all those who care for civilized behaviours.

Human Rights are universal and therefore there is an acceptance of Human Rights at the national and international level. **Some scholars consider Human Rights as "divine".** Other scholars label Human Rights as moral. **Still other scholars treat Human Rights as 'legal'.** There are various opinions about the acceptance of Human Rights. According to some historians, Human Rights have become acceptable by social contract. In spite of these

differences, the standards and nature of Human Rights are universally acceptable.

Article 1 of the Universal Declaration of Human Rights, 1948 runs, "All Human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Article 3 of the Universal Declaration of Human Rights declares that "the right to life, the right to liberty and the right to security of persons are basic rights upon which the enjoyment of all other rights are dependent". The basic assumption is that Human beings are possessed with rational and moral abilities, which differentiate them from other creatures, and therefore they are entitled to certain rights and freedom.

Firstly, Human Rights put a restraint on the power of the state. They are the accepted standards for the development of the community. Reciprocal dignity and tolerance are the basis of Human Rights.

Secondly, among Human Rights there are included some legal and some moral rights. Therefore, some moral rights which are not legal, are also included in the category of Human Rights.

Thirdly, the nature of Human Rights is universal because Human Rights are available to each and every Human Being. No doubt, some persons may enjoy certain privileges on account of their special merits; however, we should remember that Human Rights are available to every Human Being without discrimination on the grounds of religion, race, caste or sex.

Human Rights are inter-related. Human Rights aim to achieve a common good or interest and it is therefore natural that there should be inter-relationship between these rights.[20]

IMPORTANCE OF HUMAN RIGHTS

I do not want a kingdom
I do not want a rebirth
The only thing I would like
Is the abatement of pain,
Of those who are suffering

Lord Gautama Buddha[21]

Human Rights are the stepping stones for the development, happiness and peace of the human race. The concept of Human Rights allows mankind the right to live with dignity. Acceptance of Human Rights necessarily meant to give priority to furtherance of the interests of mankind and development of the mental faculty of the human race. Dignity of a human being is at the centre of all Human Rights. Right from birth, a human being desires freedom but because of circumstances in economic social and the political environment, human beings are prevented from doing so to the fullest extent. Hence, Human Rights help to create a system in which every human being has an opportunity to develop his abilities to the fullest extent. The ultimate aim of every human society or association is to develop a human being.

Acceptance of human right leads societies to stability and provides opportunities for development to weaker sections of society. Where there is no acceptance of Human Rights in a given political set-up, it is nothing but Dictatorship. There is no scope for freedom of expression, freedom of press, freedom of association or freedom of religion. There is no provision for the security, progress, happiness or peace of its subjects. Such a political situation leads to instability and insecurity. Human interest and its dignity can be maintained only in a situation where the state is progressive and stable. In a progressive and stable state, the all-around progress of human beings is possible. Where there is scope and provision for maintenance of Human Rights, then, the overall development of a human being is possible.

For example, in some countries, hardly any respect for Human Rights can be seen and naturally, therefore, development in these countries is very slow and chaos is experienced at certain intervals of time. Where there is no recognition accorded to Human Rights, then not only dictatorship prevails but also the development of the people is also blocked. Any movement against the concept of Human Rights and protection of human dignity will only lead to chaos and destruction of ordered society.[22]

CATEGORIZATION OF RIGHTS

Broadly, Human Rights are grouped in to four categories. Each category has a special function in the societal structure.

i. **Civil Rights:** These are civil in nature aimed at protecting liberty, physical and moral integrity of the person. Rights such as right to life, freedom from slavery, servitude, forced labour, freedom from torture, freedom from arbitrary arrest and detention, right to fair trial, right to privacy, right to free speech, right to worship, etc., belong to the category. These rights are said to arise in the conflict between citizen and Government tyranny. These rights are formal assurance for the citizens against arbitrary Governmental treatment. They are enforced by ensuring 'equality' and 'due process of law'.

ii. **Political Rights:** Political rights provide a link between the Government and governed. It legitimizes, integrates and provides participation by linking the Government to the consent of governed. Rights such as freedom of opinion and expression, right to peaceful assembly, right to associate, right to take part in the conduct of public affairs, right to have access to public service are included in the group.

iii. **Economic and Social Rights:** These rights assume positive duties on the part of the Government. They assume that the Government should act to secure or provide such things that are for the well being of its

citizenry. Thus, right to work, free choice of employment, just and favorable conditions of work, right to join and form trade unions, right to strike, right to social security, right to rest and leisure, right to food, clothing, shelter, housing, medical, social services, right to education, etc are included in this group.

iv. **Cultural Rights:** These rights arise in response to a threat that in certain areas there should be no monopoly either by the Government, powerful, or vested interests. Freedom of thought, freedom to take part in cultural life, freedom of aesthetic experience, right to benefit from scientific progress, right to creative activity, to benefit from international contact and cooperation in scientific and cultural fields, etc., are included in this category.

There may be several rights, which may fall into two or more categories depending upon the premise against which it is held. Right to assemble and association may be both civil and political. So also freedom of thought, creative activity may be cultural and civil. Some political rights such as right to vote, elect a Government are included in Economic, Social and Cultural Covenant, 1966. Thus, the above categorization is not strict nor is it an exhausted list.[23]

SOURCES OF HUMAN RIGHTS FROM VARIOUS RELIGIONS

Christian / Judaism

The term Human Right is not found in traditional religions; Nonetheless, theology presents the basis for a Human Rights theory stemming from a law higher than State and whose source is the Supreme Being.

If one accepts the premises of Old Testament that Adam was created in the image of God, this implies that the divine stamp gives human beings a high value of worth. An appealing expression of this comes from the Talmud: A

man may coin several coins with the same matrix and all will be similar, but the King of Kings the Almighty, has coined every man with the same matrix of Adam and is similar to the other. Therefore, every man ought to say the whole world has been created for me. Sanhedrin.

Also it is said that a common father gives rise to common humanity and from this flows a universality of certain rights. Example: Bible prescribes various Human Rights concepts such as: limitation on slavery (Exodus 21:2); justice to the poor (Isaiah 1: 16-17); fair treatment to strangers (Leviticus: 23:22); racial equality (Amos 9:7); protection of labour (Deuteronomy 23:25).

Since rights stem from divine sources they are inalienable by moral authority. There is a positive aspect to divine order since obedience derives from one's duty to God. Since duties are ordered by God, those duties accrue to the individual benefit and therefore it should not be violated by the State. The Bible has many examples where prophets have denounced their rulers because of departing from the divine law detriment to the individuals. Similar concepts are found in many religions, which give rights to revolt.

It appears that from the common fatherhood of man, equality of all human beings before him is pertinent. But equality is subject to various interpretations, which might have given some religions to justify slavery.

Islam

Scholars like Nadri and Tabendeh claim that contemporary Human Rights doctrines merely give recognition to the 1400 year-old Islamic ideas. Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances ....fundamental rights for every man by virtue of his status as a human being. Khalid Ishaque, argues that – Muslims are enjoined constantly to seek ways and means to assure to each other what in modern parlance we call Human

Rights. He formulates following fundamental rights contemplated in Quran: (1) Right to protection of life, (2) Right to justice, (3) Right to equality, (4) Duty to obey what is lawful and right to disobey what is unlawful (5) Right to participate in public life, (6) Right to freedom, (7) Right to freedom of conviction, (8) Right to freedom of expression, (9) Right to protections against persecution on the ground of difference of religion, (10) Right to protection of honour and good name, (11) Right to Privacy (12 Economic rights, (13) Right to property, (14) Right to adequate remuneration and compensation.

In Islam, Human Rights are concerned with dignity of the individual, the level of self-esteem that secures personal identity and promotes human community. Islam recognizes freedom in the context of community of Islam. "Individuals possess certain obligations towards God, fellow humans and nature, all of which are delineated by the sharaiah. As a result of fulfilling these obligations, individuals gain certain rights and freedoms that are again outlived by Divine law. The essential characteristics of Human Rights in Islam is that they constitute obligations connected with the Divine and derive their force from this connection.

Hinduism

In the Hindu Philosophical thought, the concept of 'Dharma' pervades throughout and law is considered as a branch of Dharma. According to Manu, Dharma is what is followed by those learnt in Vedas and what is approved by conscience of the virtuous who are exempt from hatred and inordinate affected.

Dharma signifies a sum of religious, moral, social and legal duties. Sages throughout have emphasized duties in all walks of life. Duties of kings, priests, parents, warriors, peasants, servants. This doctrine duty is the same as taught in Bhagavadgita 18,45,46, a person secures the highest perfection (emancipation) by being intent on carrying out the duties appropriate to him, a

man, secures perfection by worshipping with the performance his peculiar duties appropriate to him.

Since Dharma is all pervasive, the Hindu jurists propounded the theory of Supremacy of the law – the sovereignty of law and not the sovereignty of king. In the Satapatha Brahman it is said "since law is the King of Kings, far more powerful and rigid than they, nothing can be mightier than the law by whose aid, as by that of the highest monarch, even the weak may prevail over the strong", kings were not law makers but law enforcers.

Thereby recognizing a higher law than the king made. This higher law was revealed law, revealed to sages who had communion with God, which has come to us in the form of Vedas. Thus the very concept that there is higher law, give citizens certain rights such as right to revolt to disobey if king's law is unjust and king's act are detrimental to people.

Since law was not separated from religion it is obvious that, Hindu Philosophy spoke of "righteousness" in terms of law and law in terms of righteousness. Certain virtues were necessary for good life. In fact 'Sadacharas'- behaviour or usages of good men furnished a criterion for asserting nature of approved conduct. They were also treated as one of the sources of law. Hindu sages thus propounded the following freedoms and virtues:

(1) Freedom from Violence (Ahimsa)

(2) Freedom from Want (Asatya)'

(3) Freedom from Exploitation (Aparigraha)

(4) Freedom from Violation or Dishonor (Avyabhihara)

(5) Freedom from early Death and Diseases (Amrita and Aregya)

The five individual possessions or virtues are:

(a) Absence of Intolerance (Akrosha)

(b) Compassion for fellow being(Butadaya, Adreha)

(c) Knowledge (Inana Vidya)

(d) Freedom of Thought and Conscience (Satya Suntra)

(e) Despair (Pravrtti, Abheya, Dhriti)

Hindu believes that soul is immortal and there is a chain of birth and rebirth, and attaining salvation breaks the chain. Birth in human form is an opportunity for an individual to liberate himself from the bondage of birth and rebirth, till one attains moksha.

The Bhagvadgita, one of the most sacred texts, prescribes karma marga (action-path) as one of the ways to liberate oneself, which emphasizes on one's duties appropriate to one's person. Duties prescribed were towards God, towards fellow human beings.[24]

As observed above, Religions usually prescribed various duties and obligations, which limits individual freedom. Religions seem to be attractive when human beings are visualized in God's image for it gives rise to the concept of equality. But historically, concept of equality has been varied and subject to interpretations. We see justifications on slavery, women considered as half worth of man, and status of 'high' and 'low', prevailed in religions. These are opposed to the modern ideas of Human Rights. But the concept of human beings created in the image of God certainly endows men and women with a worth and dignity from which certain rights can flow.

DEFINITION OF A WORKER

Section 2(1) of the Factories Act 1948 defines the term 'worker'. According to this section, the term 'worker' means any person employed

directly or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or knowledge of the principal employer, whether for remuneration or not in:

(a) Any manufacturing process; or

(b) Cleaning any part of the machinery or premises, used for the manufacturing process; or

(c) Any other kind of work incidental to, or connected with the manufacturing process or the subject of the manufacturing process.

However, the term does not include any member of the armed forces of the Union of India.

The term 'worker' includes both young and adult workers; time and piece workers, paid and honorary workers such as trainees, apprentices etc. A person is treated as worker only if the work performed by him has some connection with the article which is produced in the manufacturing process. Distribution or transport of an article after its manufacture is not a manufacturing process and employment in such work will not bring the employee within the definition of the term worker. Similarly, persons employed in managing the agent's office unconnected with the manufacturing process are not workmen. So also, a mere selling agent though occupying a room in the factory is not a worker within the meaning of the Act. But persons engaged in selling manufactured articles in the factory premises are workers.[25]

HUMAN RIGHTS OF WORKERS IN THE INTERNATIONAL PERSPECTIVE

During the nineteenth century reform laws related to working hours and conditions were passed in a number of countries. However, the continuing threats and realities of labour unrest pressured industrialists and governments to consider further measures. Between 1890 and 1905 several meetings were held

in which government and industrialists addressed the possibility of standardized **International Labour Legislation.** Finally in 1905 and 1906 the first two **International Labour Conventions** were adopted. During the Paris Peace conference, government established a commission on **International Labour Organisation (ILO),** one of whose proposal was the establishment of ILO. This proposal was adopted in final form as part of the treaty of Versailles ending the World War I.[26]

The ILO was based on the following convictions stated in the preamble of its constitution.

- Lasting universal peace could be established only if it was based upon social justice;
- It was urged to improve the working conditions of large number of people, as injustice, hardship and privation produced such unrest that the peace and harmony of world were imperiled; and
- The failure by any nation to adopt humane condition of labour was an obstacle in the way of other nations which desired to improve conditions in their own countries.[27]

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10th December 1948 which emphasizes the protection of rights of workers in its Articles 4, 20 and 23. The Universal Declaration of Human Rights also paved the way to create **the International Covenant on Economic, Social and Cultural Rights 1966, in which the rights of workers are protected under Article 7,8,12** and the **International Covenant on Civil and Political Rights 1966 in which the rights of workers are protected under the Articles 8 and 22.**[28] The international aspects of Human Rights of workers is explained elaborately in Chapter 2.

CONSTITUTIONAL SAFEGUARDS FOR WORKERS AND WORKING OF HUMAN RIGHTS AGENCIES IN INDIA

The Indian Constitution imbibed the spirit of Universal Declaration of Human Rights, which is fully reflected in its preamble and is elaborated in the provisions of fundamental Rights and Directive Principles of State Policy. The Constitution provides various safeguards for workers. The Directive Principles of State Policy which though not justiciable are 'fundamental in governance of the country' and it is the duty of the State to apply these principles in making laws.[29]

Labour Policy of the Government of India derives its philosophy from the constitution and a number of legislations have been enacted for the purpose. State Governments and Union Territory administrations frame rules under the central legislations and enforce them through their relevant agencies. The important legislations pertaining to labour are workmen's compensation act, 1923, Minimum Wages Benefit Act 1948, Factories Act 1948, Maternity Benefit Act 1961, Bonded Labour system (Abolition) Act 1976, Child Labour (Prohibition and Regulation) Act 1986 etc.[30]

NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

National Human Rights Commission (NHRC) was established under the Protection of Human Rights Act, 1993. The Commission functions from New Delhi with jurisdiction all over India. National Human Rights Commission consists of a Chair person who should have been the Chief Justice of India and four other members one who is or has been a Judge of the Supreme Court, one member who has been the Chief Justice of High Court and two knowledgeable persons in the matters of Human Rights.[31]

National Human Rights Commission looks into the labour problems like Bonded Labour, Exploitation of Labour, Forced Labour, Hazardous Employment, Slavery, and Traffic in Human Labour etc. NHRC receives a

large number of complaints from victims, as well as from organizations and activists supporting them for redressal of grievances. NHRC has taken many initiatives to reduce the atrocities committed on labour.[32]

The Human Rights Act provides for constitution of State Human Rights commission and setting up Human Rights courts for speedy Trial of offences arising out of Human Rights violations. The commission has powers to issue direction for relief.[33] The details regarding the functioning of the State Human Rights Commission is explained in detail in Chapter 3.

THEORITICAL FRAMEWORK OF THE STUDY

There are three broad theories identified by the researcher within which rights related ideas or concepts of tannery workers under study can be discussed to provide a theoretical framework for this research. Hence the researcher intends to explain Human Rights theories and also tries to co-relate these theories with the rights of the tannery workers. The three theories identified are as follows:

1. **Theory based on Human Dignity**
2. **Theory based on Justice**
3. **Theory based on Equality of Respect and Concern.**

Theory based on Human Dignity

Theories on human dignity were propounded by McDougal, Laswell & Chen. The crux of this theory is that the supreme value of democracy is the dignity and worth of the individual; hence a democratic society is a common wealth where there is full opportunity to mature talent into socially creative skill, free from discrimination on grounds of religion, culture or class.

One lexical meaning of 'dignity' is intrinsic worth of human person. Scholars suggest that worth of every person should mean that individuals are

not to be perceived or treated merely as objects of the will of others. The idea that Human Rights are derived from the dignity of the person is neither truistic nor natural. It has two corollaries. The first corollary is the idea that basic rights are not given by authority and therefore may not be taken away; the second is that they are the rights of every person.

The right to live is not merely confined to physical existence but includes within its ambit, right to live with human dignity. Since the study is based on rights of tannery workers, the researcher urges to explain this theory in workers concept. Thus the right to live with human dignity goes with bare necessities of life such as adequate food, clothing, shelter and education. **It also includes where minimum wages were not given to workers employed was held, to be denied to them their right to live with basic human dignity and violative of Article 21 of the Indian Constitution.** This very much applies to the tannery workers. The labour laws are intended to ensure basic human dignity to workmen and if workmen are deprived of any of these rights and benefits that would clearly violate Article 21.[34]

Theory based on Justice

Edmunds Chahn's theory of Justice should be approached from its negative rather than its positive side. This theory emphasize on the sense of injustice because it forms a part of human biological endowment, where injustices are easily identifiable from justice. Therefore, justice is essentially a process of remedying or preventing whatever would arouse the sense of injustice. The inequalities resulting from the law must make sense; the law becomes unjust when it discriminates between indistinguishable. The sense of injustice also makes certain other demands such as demand for recognition of merit and human dignity, for impartial and conscientious adjudications for maintenance of a proper balance between freedom and order and for fulfillment of common expectations.

Based on this theory the workers' rights should be restored in accordance with various labour laws. The demands of the tannery worker according to this theory must be recognized for the fulfillment of common expectations.[35]

Theories based on Equality of Respect and Concern

Dworkins distinguishes two kinds of rights. One 'the background rights' which are rights of abstract kind held against the decisions taken by the society as whole and two, institutional rights held against the decisions made by specific institutions. Dworkins right to equal concern and respect proceeds from the postulates of political morality. **"Government must treat those whom it governs with concern that is as human beings who are capable of forming and acting on intelligent conceptions of law, their lives should be lived".** Government must not only treat people with concern and respect but with equal concern and respect. It must not distribute goods or opportunities in equally on the ground that some citizens are entitled to more because they are worthy of more concern.[36] The researcher analyses the living condition and work environment of the tannery workers and explains how far the tannery workers are not treated equally with respect and concern in the society.

REVIEW OF LITERATURE

The book "Human Rights Conventions and Indian Law" by U.N. Gupta, gives an analytical and functional glimpse of Human Rights in action along with its evolution. It also gives an in-depth systematized study of recent developments, particularly since 1970s, in the international concern for promotion and protection of basic Human Rights within and beyond national boundaries.[37]

The book "Human Rights In India: Issues and Challenges" by Aftab Alam, deals with the important subjects of Human Rights which has

been the crucial element of philosophical, social and political debates in the second half of the twentieth century and will probably also constitute a dominant discourse of the twenty first century. It also covers a wide range of issues like Human Rights violation of women, children, dalits, minorities and of refugees.[38]

The book "Occupational Safety and Health Aspects of Leather Manufacture" by J. Bulian, A. Sahasranaman, J. Hannak is a detailed study on Pollution Control in the Tanning Industry in South East Asia. This book provides simple and effective low-cost recommendations for improving the occupational safety and health standards at work in tanneries and effluent treatment plants.[39]

The book **"Leather Industry with special reference to Exports from South India" by Dr. M.S. Rajajee** analyses the problem of Leather Sector and throws up some solutions which would benefit the people working in this industry. It also traces the history of Leather Industry which has rural complexities and urban difficulties.[40]

The book "Sports Goods Leather" by S.P. Ghosh, gives details about the history of leather and how far leather was used for sports goods in India and other foreign countries. It provides information on the availability of sports goods made of leather in various states of India.[41]

The book "The Law Relating to Human Rights", by Lohit D. Naikar examines various theoretical foundations for Human Rights such as Religion, Natural Law, Sociological, Marxism and includes modern theories based on utility, justice, dignity, respect etc. It also examines the Human Rights under Indian Constitution and the related acts in the light of standards set in various international instruments.[42]

N.K. Jetli's book on "India: Economic Reforms and Labour Policy" enumerates the labour reforms in India, in the context of economic

liberalization and globalization. It examines the whole gamut of labour. The approach handled in this book about labour reforms is mainly descriptive, interspersed by suggestions at places.[43]

P. Ishwara Bhat's book on "Fundamental Rights – A Study of their Interrelationship" gives concerted application and harmonious balancing of competing values underlying the constitutional provisions on fundamental rights which have expanded and moulded the constitutional jurisprudence of the country.[44]

The above mentioned literatures are some of the available literary works on Human Rights and Tannery Workers. The above books enables us to understand the concepts of Human Rights of Workers; however the researcher feels that all these works does not provide an in depth study towards realizing Human Rights of Tannery Workers. Hence the Researcher attempts to make a holistic approach to understand and investigate the Human Rights of Tannery Workers and provide necessary suggestions.

REASONS FOR CHOOSING THE TOPIC

Several studies on workers have been initiated and completed by various scholars, institution and government and non-governmental agencies, but the research on Human Rights of tannery workers has not received adequate attention. Probably, the issue of Human Rights of workers and the study on violation of their rights is relatively new.

Tanning industry has a large number of people depending on it. The tanning segment is least 'organized' unit of production. The workers in the unorganized tanning units are more from the economically weaker sections. Their wages are typically low; conditions of work are often onerous; employment frequently irregular, the level of living which their earning permits is very meager.

This study is based on Human Rights of workers in tanneries because they are living in the most hazardous and polluted condition. **Without providing a better deal to the workers one cannot say that the working population of India is living in accordance with the constitutional and legislative frame work.**

AIM OF THE STUDY

The aim of the study is to explore, analyze and examine the Human Rights violation of tannery workers and suggest measures to overcome the problem of the workers in order to provide a solution.

OBJECTIVES OF THE STUDY

1. To study the Human Rights of workers in the International perspective by discussing the role of United Nations Organization and its agencies in the protection and promotion of Human Rights.
2. To analyze the constitutional safeguards, legislative provisions that has been observed by the Union and State Government in protecting workers rights.
3. To understand the history, growth and development of Leather Tanneries in India, Tamilnadu and Vanniambadi Taluk of Vellore District which happens to be the study area.
4. To analyze the socio-economic status of workers in Tanneries of Vanniambadi Taluk of Vellore District
5. To analyze the issues relating to violation of rights of workers in Tanneries of Vanniambadi Taluk.

HYPOTHESIS

1. The Tannery workers incur health problems due to adverse working condition in the tanneries.

2. Since the workers are not aware of their rights, these appear to be Human Rights violation in Tanneries in Vellore District.
3. Education and creating awareness will bring forth better working condition for the tannery workers.
4. Creating awareness of legal rights of workers will bring forth better compensation for them in times of need.
5. Effective working condition is affected by adverse environment in work premises.
6. Poor economic condition inhibits the tannery workers to lead a dignified life.

METHODOLOGY

The research is both Descriptive and Analytical. The descriptive research includes fact-finding inquiries about Human Rights violation of tannery workers. The analytical research on the other hand is used for finding facts already available to make a critical evaluation. The present study is also based on application of theory-based research. The application of theory based research analyzes how far Human Rights concepts are available and applicable to the tannery workers in the study area.

Sampling Size and Area

A pilot study was conducted with a sample size of thirty respondents to check and modify the formulated questionnaire. **For the study purpose the researcher had collected 300 samples by administering the questionnaire in specific villages/hamlets of Alangayam, Peranambattu and Madhanur blocks of Vanniambadi Taluk.** Since a large number of tannery workers are found to exist in these blocks of Vanniambadi Taluk of Vellore District the

researcher confined the study to this area. The respondents for this study were selected from hamlets/village of these blocks by random sampling method.

Techniques for Data Collection

The study is based on both Primary and Secondary data. For Primary Source of Data the Researcher has used Questionnaire and unstructured interview.

I. Primary Source of Data

a) Questionnaire

The structured questionnaire was designed for eliciting information on status of Human Rights violation of Tannery workers in the study area. The five areas of Human Rights violation identified in the questionnaire are as follows:

i) Right to Live with Human Dignity

ii) Right to Social Security

iii) Right to Just and Humane Conditions of Labour

iv) Right to Protection from Harassment

v) Right to Protection from Occupational Health Problems.

For the study the researcher collected 300 samples to analyze the rights of the Tannery workers.

b) Unstructured Interviews

To elicit necessary information the Researcher interviewed 50 respondents through unstructured interview which includes government officials such as Deputy Director, Department of Industries and commerce Ezhilagam; Director, Ministry of Labour; Joint-Director, TamilNadu Labour Welfare Board-Teynampet; Professors of TamilNadu Institute of labour

studies; Ex-Member of State Human Rights Commission; Director of Central Leather Export-Egmore; Scientists of Central Leather Research Institute; CITU Secretary – Vellore; Workers in Tanneries of Vellore District; Retired Judge of District court; Team Leader of New Entity for Social Action – Pondicherry; Research Scholars, Doctors, Lawyers etc.

II. Secondary Source of Data

The secondary source of data was collected from the existing literatures, of the following

a) Government Data

In order to elicit the secondary sources, the researcher had visited and collected relevant recent data from the following Departments. Ministry of Labour, Dept of Industries and Commerce, Inspector of Factories, Labour welfare Board, Central Leather Exports, TamilNadu Institute of Labour Studies, State Human Rights Commission, Collectorate in Vellore District, Tamil Nadu. etc.

b) Published Materials

Journal of Jayaprakash Narayan, Institute of Social and Economic studies, Leather Internal, Labour File, Social Action, Economic and Political Weekly, The Human Rights to adequate housing and land (Journal of Human Rights Commission), Women's Right to Health (National Human Rights Commission), Occupational Safety and Health Aspects of Leather Manufacture (United Nations Industrial Development Organization) .

c) Research Institute Materials

The Researcher also visited and collected relevant materials from the following research institutions;

(i) Central Leather Research Institute, Adyar

(ii) Madras Institute of Development Studies, Adyar

(iii) Directorate of TamilNadu Archives and Historical Research, Chennai, TamilNadu

DATA ANAYLYSIS

1) Statistical Technique to be used

There are many software packages available for analyzing data. **For Social Research Analysis, a special Package known as Statistical Package for Social Sciences (SPSS Version 13.0) is the most appropriate one.** SPSS is used in analyzing the primary data on violation of Tannery workers rights.

Some of the statistical tools used for the analysis include

i. Summary statistics, Frequency tables, Cross tabulation

ii. Chi-square test

iii. Factor analysis

2) Methods of Framing Questionnaire

To understand and examine the violation of Tannery Workers rights, the legal provisions and standards drawn from national and international covenants and conventions are utilized for framing the Questionnaire which includes; The Factories Act 1948; Tamil Nadu Factories Rules 1950; Workmen's Compensation Act 1923; Constitution of India 1949; Universal Declaration of Human Rights 1948; International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social and Cultural Rights, 1966; ILO Conventions etc.

CHAPTERISATION

Chapter I, 'Introduction', deals with definition and meaning of Human Rights and workers, Introductory remark on conceptual framework

about the research, theoretical framework of the study, Review of Literature, Area of the study, Reason for choosing the topic, Objectives of the study, Hypothesis of the study, Research Methodology with Research Design and Classification of Chapters.

Chapter II, 'Human Rights of Workers - International Perspective', traces the evolution of Human Rights at the International level. The chapter also highlights the role of United Nation Organization to defend the rights of worker. In this connection the chapter proceeds to explain the organs concerned with Human Rights and the specialized agencies of United Nation Organisation.

Chapter III, 'Human Rights of Workers - National Perspective', deals with Constitutional Safeguards, Legislative measures Observed by the Union and State Government in the Protection of Workers rights and the working of National Human Rights Commission, State Human Rights Commissions (Tamil Nadu) towards the violation of Workers Rights.

Chapter IV, 'Evolution and Growth of Leather Tanneries in India', highlights the growth of leather tanneries in India, Tamil Nadu and with special reference to Vanniambadi Taluk of Vellore District.

Chapter V, 'Socio Economic Status of Tannery Workers in Vanniambadi Taluk', analyses the socio economic status of tannery workers in the Vanniambadi Taluk of Vellore District with relevant data. The chapter focuses on the Right to Live with Human Dignity and the Right to Social Security to scrutinize the socio economic condition of tannery workers.

Chapter VI, 'Analysis of Violation of Human Rights and Issues of Tannery Workers at Work Place', analyses the data on the issues of tannery workers at work place. The chapter further provides relevant case studies of tannery workers in Vanniambadi Taluk which serves an evidence for the violation of Human Rights of tannery workers at place.

Chapter VII, 'Conclusion', enumerates the main findings on the Violation of Human Rights of tannery workers in Vanniambadi Taluk and necessary suggestions for the upliftment of these workers.

REFERENCES

1. Holy Bible, *"New King James Version"*, Deuteronomy 24:14,15, Thomas Nelson Publishers, Nashville.
2. Aftab Alam, ***"Human Rights in India: And Challenges"***, Raj Publications, New Delhi, 2000, p.183.
3. Joshi S.C., ***"Human Rights –Concepts, Issues and Laws"***, Akansha Publishing House, New Delhi,2006, p.1
4. Dr. Ponnaian M., Dr. Panch Ramalingam, Mrs. Rani Ponnian, ***"Human Rights for the Third Millennium"***, Pon Rani Publications, New Delhi, 2001, p.9.
5. Joshi S.C., ***"Human Rights –Concepts, Issues and Laws"***, Akansha Publishing House, New Delhi,2006, p.1
6. ***Ibid., p.123.***
7. Jones Peter, ***"Rights"*** cited in International encyclopedia of Human Rights: freedoms, abuses, and remedies edited by Robert L. Maddex, CQ press, Washington, 2000, p. 299.
8. Karunanidhi M., ***"Defend Our Rights"***, Mathivanan Publications, Chennai, 1999, p.1.
9. Sterling Smith, ***"Promoting Labour Rights in Pakistan"***, Labour and Society International, Karachi, 2000, p.5.
10. Suresh Kumar Soni, ***"Human Rights – Concepts, Issues, Emerging Problems"***, Regal Publications, New Delhi, 2007, p.104.
11. Richard Wasserstrom, ***"Rights, Human Rights and Racial Discrimination"***, Meldon (Ed.) Human Rights, Belmount, California, 1970, p.96.
12. Tiber Macham, ***"Prima Facie v Natural Human Rights"***, Journal of Value Inquiry, No.2, 1976, p.119.

13. Joel Feinberg, ***"Social Philosophy",*** Prentice Hall, New Jersey, 1973, p.85.

14. Kant Baier, (Ed.) Chapman, ***"Human Rights",*** Nomos XXIII, New York Press, 1981, p.19.

15. Cranston M., ***"What are Human Rights",*** National Academy, 1973, p.7.

16. Raphael D.D., ***"Political Theory and Rights of Man",*** Mc.Millan Publishers, London, 1967, p.54.

17. Martin Golding, ***"Towards a Theory of Human Rights",*** The Monist, No.4. 1968, p.548.

18. Basu D.D., ***"Human Rights in Constitutional Law",*** Prentice Hall, New Delhi, 1994, p.5.

19. Lohit D. Naikar, ***"The Law Relating to Human Rights",*** Puliani and Puliani, Bangalore, 2004, p.50.

20. Ashwin N. Kataria, ***"Human Rights",*** C. Jamanadas & Company, Bombay, 2006, p.11.

21. Dr. Ponnaian M., Dr. Panch Ramalingam, Mrs. Rani Ponnian, ***"Human Rights for the Third Millennium",*** Pon Rani Publications, New Delhi, 2001, p.126.

22. ***Ibid., p.14.***

23. Lohit D. Naikar, ***"The Law Relating to Human Rights",*** Puliani and Puliani, Bangalore, 2004, p.4.

24. ***Ibid., p.15-17.***

25. Vincent Arputhom A., ***"Labour and Industrial Laws",*** Southern Publishers, Tamil Nadu, 2006, p.20.

26. Hector Bartolomei and Lee Swepston, ***"The International Labour Organisation: The International Standard System and Basic Human Rights"***, Boulder West View Press, 1966, p.3.

27. ***Ibid., p.10.***

28. Gupta U.N., ***"The Book Human Rights Conventions and Indian law"***, Atlantic Publishers, Delhi, 2004, p.5.

29. Jetli N.K., ***"India: Economic Reforms and Labour Policy"***, New Century Publications, New Delhi 2004, p.58.

30. Dr. Goswami V.G., ***"Labour and Industrial Law"***, Central Law Agency, Allahabad, 2004, p.14.

31. National Human Rights Commission, ***"Report on Prevention of Atrocities"***, New Delhi, 2004, p.97.

32. Lohit D. Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani Publications, Bangalore, 2004, p.208.

33. Jaganath Mohanty, ***"Teaching of Human Rights"***, Deep and Deep Publications, New Delhi, 2005, p.306.

34. Lohit D. Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani Publications, Bangalore, 2004, p.43.

35. ***Ibid., p.39.***

36. ***Ibid., p.47.***

37. Gupta U.N., ***"The Book Human Rights Conventions and Indian Law"***, Atlantic Publishers, Delhi, 2004.

38. Aftab Alam, ***"Human Rights in India: And Challenges"***, Raj Publications, New Delhi, 2000.

39. Bulian J., Sahasranaman A., Hannak J., ***"Occupational Safety and Health Aspects Of Leather Manufacture"***, Council for Leather Exports, 1999.

40. Dr. Rajajee M.S., ***"Leather Industry with Special Reference to Exports from South India"***, Sri Venkateswara University, Tirupati, 1989.

41. Ghosh S.P., ***"Sports Goods Leather"***, Central Leather Research Institute, Adyar, Chennai, 2003.

42. Lohit D. Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani, Bangalore, 2004.

43. Jetli N.K., **"India: Economic Reforms and Labour Policy"**, New Century Publications, New Delhi 2004, p.58.

44. Ishwara Bhat P., ***"Fundamental Rights – A Study of Their Interrelationship"***, Eastern Law House, New Delhi, 2006.

Chapter - 2

Human Rights of Workers - International Perspective

CHAPTER – II

HUMAN RIGHTS OF WORKERS - INTERNATIONAL PERSPECTIVE

The Second Chapter entitled Human Rights of Workers in the International Perspective throws light in tracing the genesis of Human Rights and the functioning of International organization towards realizing Human Rights. In this regard the chapter analyses the working of United Nations Organization and its specialized agencies concerned with Human Rights. The synopsis of chapter two is as follows:

I. GENESIS OF HUMAN RIGHTS

i) Magna Carta

ii) Virginia Bill Of Rights (1776)

iii) American Declaration Of Independence (1776)

iv) French Declaration Of The Rights Of Man (1791)

v) Bill of Rights (1791)

vi) The Twentieth Century Synthesis

II. INTERNATIONAL LAW OF HUMAN RIGHTS

i) International Human Rights Movement

ii) UN Charter

III. UNITED NATIONS ORGANS CONCERNED WITH HUMAN RIGHTS

i) General Assembly

ii) The Security Council

iii) Economic And Social Council

iv) Trusteeship Council

v) International Court Of Justice

vi) The Secretariat

IV. THE SPECIALISED AGENCIES OF UNITED NATIONS ORGANISATION

i) International Labour Organization

ii) Food and Agriculture Organization of the United Nations (FAO)

iii) United Nations Educational, Scientific And Cultural Organization (UNESCO)

iv) World Health Organization

V. INTERNATIONAL BILL OF HUMAN RIGHTS

i) Universal Declaration Of Human Rights

ii) International Covenant On Economic Social And Cultural Rights

iii) International Covenant On Civil And Political Rights

VI. INTERNATIONAL LABOUR ORGANISATION (ILO)

INTRODUCTION TO HUMAN RIGHTS

Human Rights are derived from the principle of Natural law. They are neither derived from the social order nor conferred upon the individual by the society. They reside inherently in the individual human beings independent of and even prior to his participation in the society. Consequently, they are the result of recognition by the state but they are logically independent of the legal system for their existence. Their origin may be sought in the natural law and not in the positive law. They are based on their intrinsic justification and not

on their enactment or recognition by certain individuals. They do not depend on any formulation or accepted authority.

The idea that the individual has right; claims upon society, or against society; that these rights which society must recognize, on which it is obliged to act, are intrinsic to Human Rights.

The Human Rights are inalienable **"Human person possesses rights because of the very fact that it is a person, a whole, a master of itself and of its acts by natural law, the human person has the rights to be respected, is the subjects of rights, possesses rights. These are things which are owed to a man because of the very fact that he is a man".**[1]

Human Rights are the rights that a human being has in virtue of whatever characteristics he has that is both specifically and universally human. If the only relevant condition for enjoying certain rights is being human, and if this property does not admit of degrees, there cannot be differences of degree in the extent to which the rights in question are held; this is, all human beings have them to the same degree.

I. GENESIS OF HUMAN RIGHTS

Human Rights date back to the very dawn of Human civilization and often appear clearly enshrined in great religion of the world. Hinduism preaches due recognition of the dignity of man by giving importance to human soul, Buddhism and Jainism give importance to salvation of man, Christianity lays emphasis on the fatherhood of God; Islam highlights importance of the brotherhood of man. Yet, the conception of Human Rights as individual political legal claim, implying limitations and obligations upon society and Government, is a product of modern history. Looking at Human Rights from the 'recognition of rights' perspective, it may be said to begin with Magna Carta 1215.

i) Magna Carta

Magna Carta 1215, provided "to no man will we deny, to no man will we sell, or delay, justice or rights". The main object of Magna Carta was to prevent King John from substituting violence for legal process, from taking law into his own hands and 'going against them' with an army at his back, or 'sending against them' in similar wise. This great charter promised that no plea civil or criminal, should hence forth be decided against any free man until he had failed in the customary **"proof- whether battle or ordeal or otherwise".** [2] As such this charter made it clear that there were certain rights of the subject, which could not be violated even by sovereign in whom all power was legally vested. **The movement continued through repeated confirmation of the Magna Carta and the Petition of Rights, 1628 and culminated in the Bill of Rights 1689.** [3] This Bill of Rights was a part of major settlement between the crown and Parliament consequent on the struggles of Stuart period. Like Magna Carta, it is a demarcation of powers primarily, but it also contains general principles of State policy and law. Some of these have universal significance. [4]

ii) Virginia Bill Of Rights (1776)

The Bill of Rights adopted in the State Constitution of Virginia in 1776 was the first declaration of rights in a written Constitution. The Doctrine of Natural Rights is reflected in the preamble of the Declaration;

The Declaration begins:

1. That all men are by nature equally free and independent and have certain inherent natural rights of which when they enter society they cannot by any compacts deprive or divest their posterity – namely the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in and consequently derived from the people; that magistrates are their trustees and servants and all times amenable to them.

3. That Government is or ought to be instituted for the common benefit, protection, and security of the people, nation or community.[5]

The rights asserted by the Virginia Bill of Rights is, equality of men, freedom of press, freedom of religion, right not be taxed without consent or not to be deprived of liberty except by law of land; right against general warrants, cruel punishments self incriminations.

iii) American Declaration Of Independence (1776)

The aggression of the omnipotent British Parliament against the American Colonists could be met only by holding the shield of inviolable natural rights of man, which constituted a limitation on any form of government, monarchical or parliamentary.

On 4th July 1776, the Second Continental Congress attended by delegates from English Colonies in North America adopted the Declaration of Independence. The war of Independence had already started and was to continue for another six years. The significance of the Declaration goes beyond an expression of the colonies reason for proclaiming their independence from Britain. Its significance lies in the assertion that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. **This Declaration, drafted by Jefferson said "we hold these truths to be self evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the permit of happiness".**

iv) French Declaration of The Rights Of Man (1791)

Inspired by the American Declaration of Independence, the French National Assembly in 1789 formulated the Declaration of the Rights of Man: "The representatives of the people of France, formed into a National Assembly considering that ignorance, neglect, or contempt of Human Rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth in a solemn declaration, these natural, imprescriptibly, and inalienable rights, that this declaration being constantly present in the minds of the members of the body social, they may be ever kept attentive to their rights and their duties; that the acts of the legislative and executive powers of the Government, being every moment compared with the end of political institutions, may be more respected; and also, that the future claims of the citizens, being directed by simple and incontestable principles may always tend to the maintenance of the constitution and the general happiness. For these reasons the National Assembly both recognize and declare in the presence of the Supreme Being, and with the hope of his blessing and favour the following sacred rights of men and citizens. The end of all political associations is the preservation of the natural and imperceptible rights of man, and these rights are Liberty, Property, Security and Resistance of Oppression"[6].

This Declaration is an obvious reflection of the ideals, which lay behind the French Revolution. It is a fairly complete code of the principles of constitutional Government and the rule of law, and is the first of its kind. **Its inspiration is liberalism, like that of Locke in England, which leaves a good place for 'property' alongside 'liberty'.** Thus in spite of the end of revolution in France, the Declaration was to influence many constitution of the parliamentary type of the nineteenth century and later in Europe and Latin America. **The Declaration was affirmed in the preamble of the French Constitution of 1946 and 1958.**

v) Bill of Rights (1791)

The Constitution of U.S.A. as framed by Convention of 1787, brought into force in 1789, contained no guarantee of inalienable rights, such as freedom of speech, assembly and religion. It was soon felt inalienable rights of man should be adopted as part of Constitution which could serve as legal limitation on the powers of each of the organs set up by the constitution, and would be enforceable by courts, of law to invalidate legislative acts that might transgress these inalienable rights. Another reason recreating adoption of rights in the Constitution was justifiable guarantee of individual rights meant that judiciary would protect individual against their violation by Legislature and Executive.

Therefore, amendments to constitution were proposed which led to the Bill of Rights incorporated in first ten amendments of Constitution. **This American Bill of Rights was subsequently followed by many states. All the new states of common wealth which have been formed out of British Empire after World War I, have adopted a Bill of Rights in their respective Constitutions.**[7]

vi) The Twentieth Century Synthesis

The twentieth century brought new and changing political contexts for Human Rights and transformed the philosophical and ideological debates about them. The decades bridging the nineteenth and twentieth century's saw new assaults upon Human Rights as well as new attempts to establish them. This century is remarkable for the industrial and technological development that has taken place since its commencement.

The two world wars and the cold war which has followed the Second World War, the acquisition of weapons of mass destruction by the superpowers and the internal and external military adventures of many of the countries have made this world insufferable.

The First World War was fought on account of the arrogance of the colonial powers of the world, who then controlled a substantial part of the world. The Treaty of Versailles concluded at the end of that war itself contained the germs of the next war. But the treaty had a silver lining. It gave an impetus to the movement towards a world organization, the League of Nations, the machinery devised for the observance of peace on the political side and for international cooperation in several fields other than the political field. The establishment of the League of Nations was the next logical step when the sovereign countries of the world found that the method of settlement of international disputes by arbitration, which had been conceived in the 19^{th} century, but had not, yielded the desired results.

The League of Nations was the first practical attempt at International Organization aiming at preservation of world peace, but also, in political sphere it ended in failure. The fundamental reason for its ineffectiveness was to be found in the unwillingness of nations to subordinate their own interests to the larger interest of humanity and peace in the world. No nation was prepared to take the initiative. All that was everybody's business in the end proved to be nobody's business. Each looked to the other to take the lead and the aggressors got away unchecked. The League of Nations turned out to be an impotent body incapable of preventing the next war.

A false doctrine of superiority of race projected by the Nazis and the greed of two other blood – thirsty powers led to the Second World War in 1939. The Allied Powers held out the faith that the Second World War was being fought to end all wars. At the end of it, the treaties entered in between the Allied Powers and the opposing belligerent countries were almost identical in terms and were largely concerned with promises to secure to their nations 'Human Rights' and 'fundamental freedoms'. In the meanwhile, the Allied Powers and other nations took steps to consider the formation of a

comprehensive organization of machinery for the maintenance of peace. This consideration led to the formation of the United Nations Organization in 1945.

The Charter of the United Nations was 'adopted with the object of protecting innocent nations from the ravages of any future war'.[8] For the first time in the history of mankind, the concept of Human Rights was enshrined in the international law, and the mechanism for their protection and enforcement was also propounded. The prime object of the United Nations Organization was to preserve international peace and security.

The preamble of the Charter declared its object "to reaffirm faith in fundamental Human Rights" and Article 1 thereafter stated that the purpose of United Nations shall be among others, "to achieve international co-operation in promoting and encouraging respect for Human Rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion".[9]

The measures taken by United Nations towards Human Rights paved way for a new law, called International Law of Human Rights.

II. INTERNATIONAL LAW OF HUMAN RIGHTS

Today Human Rights have become a principal activity of international, governmental and non-governmental organizations, and have led to an international law imposing Human Rights obligations on States. Human Rights have figured prominently in relations between nations.

In the prevailing perspective, international law has not created legal Human Rights or indeed any legal rights for individuals. Human Rights are 'rights' in some moral order or perhaps under some natural law. In our system of Nation – States, Human Rights are to be enjoyed in national societies as rights under national law. The purpose of international law is to influence states to recognize and accept Human Rights, to reflect these rights in their

national constitutions and laws, to respect and ensure their enjoyment through national institutions, and to incorporate them in to national ways of life. [10]

i) International Human Rights Movement

Concern by some Governments and their citizens with the condition of individuals in other countries are not new. Centuries ago, Princes and Popes intervened for co-religionists and others in various countries. The nineteenth century saw many humanitarian interventions by big powers, diplomatically and even military, to protest, or end, or prevent massacre, pogroms, and other atrocities. [11] These interventions were sharp deviation from the assumption, that how a state treated its own citizens was its own business and welfare of individual was not a subject matter of international diplomacy or law.

After World War – I, in order to remove a potential cause of international frictions or war, several States were asked to assure obligations in minority treaties guaranteed by League of Nations, to respect the rights of ethnic, national, linguistic, religious, or other minorities among their inhabitants. A mandatory system was established, wherein certain States were obligated to govern the occupied territories with certain guarantee of freedom of conscience and religion and other rights. The Mandatory Power was to promote the welfare and rights of the inhabitants.

When World War – II ended, the victor powers imposed Human Rights obligations in peace treaties. Human Rights were included in Nuremberg Charter and prosecutions. Occupying powers presided at the incorporation of Human Rights safeguards in to new Constitutions and laws for West Germany, Japan and Austria.

ii) UN Charter

"Three monstrous wars have led to three sane attempts to institutionalize peace by international organization. The consuming

struggles of Napolean drove the world powers to consultation, there are excesses of the first World War which caused no less than 180 billion dollars and 10 billion lives, further impelled men and women to seek a system of collaboration against international violence; and brought the man to the Second World War, more terrible than all the catacombs of the past, came the plans for the United Nations".

Prof. Gerard J. Mangone[12]

The beginning of the Charter of United Nations marks the formal recognition that Human Right is matter of international concern. The atrocities caused by the Nazis on the Jews and other races during World War II led to a strong movement for international protection of fundamental Human Rights, and charter contains numerous references to them.

The preamble to UN charter reaffirms "faith in the fundamental Human Rights is the dignity and worth of human person, in equal rights of men and women" and declares the determination of peoples "to promote social progress and better standards of life in larger freedom".

Both Articles 1(3), 55 (c) emphasizes "to achieve international co-operation, in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for Human Rights and for fundamental freedoms for all without distinction as to race, sex, languages or religion". Article 68 of the Charter emphasizes the Economic and Social Council of U.N. to "set up Commissions in economic and social fields for the promotion of Human Rights, and such other commissions as may be required". The member states pledge themselves to co-operate with U.N. Organization for the achievement of its Human Rights purposes contained in Article 56 of the charter. [13] **Thus** the provisions of U.N.Charter concerning Human Rights

provide the foundation for protection of Human Rights, and ushered a new international law of Human Rights.

III. UNITED NATIONS ORGANS CONCERNED WITH HUMAN RIGHTS

i) General Assembly

The General Assembly is essentially a deliberative, supervisory and reviewing organ of the United Nations. **Article 10 of the charter provides that the General Assembly may discuss any questions or any matters within the scope of the charter or relating to the powers and functions of any organs provided for in the charter and, except as provided in Article12, may make recommendations to the Members of the United Nations or to both on any such questions or matters.**

Under Rule 98, one of the main Committees of the General Assembly is Social, Humanitarian and Cultural Committee (third Committee), normally, matters relating to Human Rights are referred to the Third Committee. However, from time to time and for a variety of reasons, such matters have also been referred to the First Committee, the Special Political Committee, the Second Committee, the Fourth Committee or the Sixth Committee, or have been considered directly by the General Assembly without reference to a main Committee. [14]

Under Rule 161, the General Assembly may establish such subsidiary organs, as it deems necessary for the performance of its functions. Among the organs so established are several which are concerned with Human Rights issue such as decolonization, apartheid, and assistance to vulnerable groups of people.

ii) The Security Council

The Security Council is the principal organ of the United Nations on which the Charter, in Article 24, confers primary responsibility of the maintenance of international peace and security. **Chapter VII of the Charter specifies the action to be taken with respect to threats to the peace, breaches of the peace, or acts of aggression. Article 39 provides : the Security Council shall determine the existence of any threat to the peace, breach of peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security.**

In discharging its duties, the Security Council is required under Article 24, to act in accordance with the purpose and principles of the United Nations. One of these purposes, as set out in **Article 1, paragraph 3, is: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian Character, and in promoting and encouraging respects for Human Rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".** [15]

iii) Economic And Social Council

The principal Human Rights function of the council is to make recommendations for the purpose of promoting respect for and observance of Human Rights and fundamental freedoms for all.

Under Rule 73, any national liberation movement recognized by or in accordance with resolution of the General Assembly may be invited by the Council to participate in its deliberation on any matter or particular concern to the movement of the councils subsidiary bodies the commission on the status of women, the sub-commission on Prevention of Discrimination and Protection of minorities and the Committee on Economic, Social, and Cultural Rights are those most directly concerned with Human Rights Question. **Of the**

Specialized agencies, Food and Agriculture Organization (FAO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO) and World Health Organization (WHO) are most deeply involved in the Human Rights matter.[16]

iv) Trusteeship Council

In accordance with Article 75 of the Charter, the United Nations established "an international trusteeship system for the administration and supervision of such territories as may be placed there under by subsequent individual agreements". One of the basic objectives of the system as provided in **Article 76, are: "To encourage respect for Human Rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the inter-dependence of the people of the world".**[17]

v) International Court Of Justice

The International Court of Justice is the principle organ of the United Nations. It functions in accordance with its Statute, which forms an integral part of the charter of the United Nations. Any non-member state may become a party of the Statute on conditions determined in each case by the General Assembly on the recommendations of the Security Council.

Under Article 94 of the Charter, "each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party". Article 95 provides that "nothing in the present charter shall prevent members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future".

A number of United Nations Human Rights instruments contain provisions whereby any dispute between the contracting parties relating to the interpretation, application of fulfillments of the instrument may be submitted to the International Court of Justice at the request of any of the parties to the dispute. [18]

vi) The Secretariat

The Secretariat is one of the principal organs of the United Nations. The Secretariat is impartial in Character. At the very early stage, the Secretariat was entrusted with protecting, promoting and disseminating information on the respect for Human Rights. **It has made considerable progress in the field of Human Rights including the recent establishment of UN High Commission for Human Rights.** The Secretariat has various departments. .The office of legal affairs deals with Human Rights questions that arise in the International Law Commission and in the Sixth (Legal) Committee of the General Assembly. [19]

IV. THE SPECIALISED AGENCIES OF UNITED NATIONS ORGANISATION

The Economic and Social Council is authorized, by Article 63, paragraph 2, of the Charter, to co-ordinate the activities of the specialized agencies through consultations with recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

The general Assembly, in its resolution 33/54 of 14th December, 1978, recognized that some of the specialized agencies, especially ILO, UNESCO and WHO, had developed procedures and programmes for the promotion of Human Rights within their fields of competence, and that the work of these agencies significantly complemented the work done by the United Nations Human Rights organs.[20] Further, it noted the existence of

other Human Rights organs and programmes, which functioned under separate constitutional instruments of inter-governmental organizations and had complied significant records of human actions within their areas jurisdiction.

i) International Labour Organization

The International Labour Organization was established on 11th April, 1919 as an autonomous institution associated with the League of Nations. Its preamble stated that universal peace **"can be established only if it based upon social justice",** that unjust conditions of labour imperiled the peace and harmony of the world; and that an improvement in such conditions was urgently required.

Under its Constitution, the International Labour Organisation is concerned with both economic and social rights, such as the right to work, the right to enjoyment of just and favourable conditions of work, the right to form trade unions and join the trade union of one's choice, the right to social security, and the right to an adequate standard of living; and with civil and political rights, such as freedom of expression, freedom of association and the right to peaceful assembly.

ILO implements the principles of its Constitution by laying down standards, by supervising their application and by assisting Government to achieve its objectives. [21] The role of International labour organization in protecting the rights of workers is discussed in the later part of the chapter.

ii) Food and Agriculture Organization of the United Nations (FAO)

The Food and Agriculture Organization of the United Nations was the first of the specialized agencies of the United Nations system to be established. At the United Nations conference of Food and Agriculture, held in May-June 1943 at Hot Springs, Virginia, United States of America, 44 Nations agreed to work together to banish hunger and establish a stable world agriculture.

Among the functions of FAO described in Article 1 of its Constitution, are the collection, analysis, interpretation and dissemination relating to nutrition, food and agriculture; the promotion of national and international action to improve education and administration relating to nutrition, food and agriculture; and the furnishing of technical assistance to Governments in these fields.[22]

iii) United Nations Educational, Scientific And Cultural Organization (UNESCO)

The purpose of UNESCO as stated in Article 1 of its Constitution is **"to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the Human Rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations".**

Within the framework of this standard setting activity UNESCO has adopted a number of international instruments aimed at the realization of Human Rights, including the Convention against Discrimination in Education, adopted on 14th December, 1960; the protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between State parties to the Convention against Discrimination in Education, adopted by the General Conference on 10th December, 1962, and which came into force on 24th October, 1968; the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War, adopted on 22nd November, 1978; and the Declaration on Race and Racial Prejudice, adopted on 27th November, 1978.

To achieve these aims, UNESCO establishes and supervises the application of standards; gathers and disseminates information of educational, scientific or cultural interest; provides advisory services and technical assistance and assists in the establishment of education, scientific and cultural institutions and centers, organizes, congresses, seminars and symposia and provides subsidies to certain non-governmental organizations.

iv) World Health Organization

The Constitution of the World Health Organization was adopted on 22nd July, 1946 by the International Health Conference, called for the purpose by the Economic and Social Council.

The objective of WHO as stated in Article 1 of its Constitution, is "the attainment by all peoples of the highest possible level of health". The Preamble defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity".

The WHO concept of technical co-operation has replaced the idea of technical assistance, which was based on a donor-recipient relationship and on time limited assistance projects. Technical co-operation for health implies true partnership to attain national health goals that have been defined in countries, and that can be sustained and developed further by the country when the involvement of WHO or other member States is no longer required. In the view of WHO such technical co-operation facilitates self-reliant health development.

Although WHO has not adopted international instruments in the field of Human Rights , it played an important part in the preparation of the principles of Medical Ethics relevant to the Role of Health personnel, particularly Physicians, in the protection of prisoners and detainees against Torture and other cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 37/194 of 18th December,1982.[23]

V. INTERNATIONAL BILL OF HUMAN RIGHTS

The core of the Universal system for protection of Human Rights consists of the UN Charter and related instruments. Three such instruments, which stand out significantly are: the Universal Declaration of Human Rights of 1948, and the two principal Covenants that became effective in 1976: the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As of September 1995 the ICCPR had 131 state parties, the ICESCR 132 Parties. Together these are termed as International Bill of Rights. **In 1948 the UN Commission adopted a draft declaration which in turn was adopted by the General Assembly on December.10, 1948 as the Universal Declaration of Human Rights.**[24]

i) Universal Declaration Of Human Rights (1948)

The cultural diversity in different countries makes difficult to formulate a set of rights accepted by all people as Human Rights. So to solve this problem and to protest against the terrible atrocities which have occurred during World War II, members from 14 nations representing all political systems and geographical areas of United Nations met together in 1948 to write the Universal Declaration of Human Rights. This group was called the Commission on Human Rights, and the declaration, which they wrote was adopted by the UN Assembly in1948.

The Universal Declaration of Human Rights accepted by the General Assembly on 10th December 1948, constituted a historical event on the first magnitude. It's a beacon call to all the states to respect some of the basic rights. It enumerates the political, civil, economic, social and cultural rights of man. It defines various Human Rights in thirty articles. It is a manifesto of man's inalienable rights and fundamental freedom. It is the first document of an ethical sort that organized humanity has ever adopted and

precisely at a moment when man's power over nature became vastly increased by scientific discoveries and when it was essential to decide to what constructive ends these powers should be put.

Articles 1, 2 and 3 deal with fraternity, equality and liberty. Articles 4 to 13 enlarge the basic principles of liberty mentioned in Article 3. They deal with slavery, torture and inhuman punishment, equality before law, right to effective treatment by competent domestic tribunal, arbitrary arrest of detention, right to fair and public hearing, presumption of innocence privacy and home, freedom of movement respectively. **Articles 14 to 20 deal individually with various rights such as right to asylum, nationality, marriage, property, freedom of thought and religion, freedom of assembly. Articles 22 to 27 deal with social, economic and cultural rights, Articles 28 to 30 deal with rights and duties of individual in relation to the community.** In the words of the General Assembly, this declaration is intended "as a common standard of achievement for all people and all nations to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedom and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the people of territories under their jurisdiction".

The Universal Declaration of Human Rights was a mile stone in juridical and human history. For the first time Governments agreed on a standard against which to measure their treatment of citizens. Until the founding of U.N.'s Governments contended that such matters were of an internal nature, and not the legitimate concern of the world community. In adopting the Declaration, nations pledged to recognize and observe such Human Rights as life, liberty and security of persons; equality before law; freedom of thought, conscience and religion; freedom of opinion and expression; the right to work and to free choice of employment; the right to a

standard of living adequate for health and well being; the right to education; to right to participate in the cultural life of one's community. The Declaration was originally conceived of, as a statement of objectives to be achieved by Governments and as such, not part of binding international law. But now, many states accept it to be an international standard against which their behavior is measured. [25]

Since the researcher has chosen to study the Human Rights violation of workers, the articles guaranteed by UDHR to protect and promote the rights with reference to workers has been highlighted in the following table. The full text of the Declaration is given in Appendix 2.1.

Table 2.1 – Articles mentioned in the Universal Declaration of Human Rights Protecting the Rights of Workers

S.No.	Articles	Provision
1	**Article 4**	(i) No one shall be held in slavery or servitude.
2	**Article 20**	(i) Everyone has the right to freedom of peaceful assembly and association (ii) No one may be compelled to belong to any association.
3	**Article 23**	(i) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and protection against unemployment (ii) Everyone, without any discrimination, has the right to equal pay for equal work. (iii) Everyone who works has the right to just and favourable remuneration for himself and his family and existence worthy of human dignity. (iv) Everyone has the right to form and to join trade unions.
4	**Article 24**	(i) Everyone has the right to rest and leisure including reasonable limitation of working hours and periodic holidays with pay.

Source: Universal Declaration of Human Rights (Excerpts)

ii) International Covenant On Economic Social And Cultural Rights

The International Covenant on Economic, Social and Cultural Rights was adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A(XXI) of 20 years of drafting debates. It finally gained the force of law a decade late, entering into force on 3 January 1976.

The Covenant contains some of the most significant international legal provisions establishing economic, social and cultural rights, including rights relating to work in just and favourable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and to enjoyment of the benefits of cultural freedom and scientific progress.

Article 7 establishes a right to a minimum remuneration for employment, stipulating fair wages sufficient to guarantee a decent living, as well as working conditions that are just and favorable. Wages must be equitable and just in order to be considered fair. This article relates closely to a large number of conventions adopted by the ILO, including Minimum Wage Fixing Convention (No.131,1970) and Equal Remuneration Convention (No.100, 1951).

People must be afforded minimum conditions of occupational health and safety, and state parties are responsible for adopting policies and laws to that end. A coherent national policy in this regard is incumbent on all state parties. The state parties must establish a baseline or minimum standard below which the working conditions of no worker should be allowed to fall; they must also develop enforcement measures guaranteeing these rights. **Article 8 provides the right to form and join trade unions, workers should not be compelled to join a particular trade union;** the right to collective bargaining, the right to protection from dissolution or suspension and the right to strike is protected by

this Article. **Article 11 makes provision to everyone for an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. Article 12 of the covenant recognizes the right to every one for the enjoyment of the highest attainable standard of physical and mental health.** The state parties of this covenant to achieve the full realization of this right shall include (i) the right to improve of all aspects of environmental and industrial hygiene, (ii) The prevention, the treatment and control of epidemic, endemic, occupational and other diseases; (iii) the creation of conditions which would assure to all medical services and medical attention in the event of sickness. Recognition of the right to health obviously does not mean that beneficiaries of this right have a right to be healthy. **Rather, the covenant stresses the obligation of state parties to ensure for their citizen's "the highest attainable standard of health".**[26]

iii) International Covenant On Civil And Political Rights (ICCPR)

The international covenant on civil and political rights was adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 – A(XXI) on 16th December 1966. It came in to force on 23rd March, 1976. The Covenant is one of the fundamental instruments created by the international community for global promotion and protection of Human Rights. The covenant guarantees a broad spectrum of civil and political rights rooted in basic democratic values and freedoms, to all individuals within the territory or under the jurisdiction of any kind, such as race, gender, ethnicity etc. The Covenant obligates each state party to respect and ensure these rights, to adopt legislative or other necessary measures to give effect to these rights and to provide an effective remedy to those whose rights are violated. Recognizing that, in accordance with the UDHR, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may

enjoy his civil and political rights as well as his economic, social and cultural rights. Hence the ICCPR was adopted to guarantee certain basic civil and political rights to all human beings.

Article 8(1) of this covenant provides that no one shall be held in slavery, and slave trade in all their forms shall be prohibited. Further Article 8(2) and (3) emphasizes that 'No one shall be held in servitude and' 'No one shall be required to perform forced or compulsory labour'. Article 22(1) lay's down that 'Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests'. [27]

VI. INTERNATIONAL LABOUR ORGANISATION (ILO)

India is a founder member of the International Labour Organization which came into existence in 1919. A unique feature of ILO is its tripartite Character. At present the ILO has 175 members. The membership of the ILO ensures the growth of tripartite system in the member countries. At every level in the organization, Governments are associated with the two other social partners, namely the workers and employers. All the three groups are represented on almost all the deliberative organs of the ILO and share responsibility in conducting its work. The three organs of ILO are International Labour Conference, Governing Body and International Labour Office. The work of the conference and the Governing Body is supplemented by Regional Conferences, Regional Advisory Committees, Industrial and Analogous Committees, Committee of Experts, Panels of Consultants, Special Conference and meetings etc.

International Labour Conference

Except for the interruption caused by the Second World War, the International Labour Conference has continued, since its first session in 1919 to meet at least once a year. The Conference, assisted by the Governing Body,

adopts biennial programme and budget, adopts International Labour Standards in the form of Conventions and Recommendations and provides a forum for discussing social, economic and labour related issues. India has regularly and actively participated in the Conference through its tripartite delegations.

The Conference has so far had 4 Indian Presidents viz., Sir, Atul Chatterjee (1927), Shri Jagjivan Ram, Minister for Labour(1950), Dr. Nagendra Singh, President, International Court of Justice (1970) and Shri Ravindra Verma, Minister of Labour and Parliamentary Affairs (1979). There have also been 8 Indian Vice Presidents of the International Labour Conference, 2 from the Government group, 3 from the Employer and 3 from the Workers' Group. Indians have chaired the important committees of the conferences like Committee on Application of Standards, Selection committee and Resolution Committee.

Governing Body

The Governing Body of the ILO is the executive wing of the organization. It is also tripartite in character. **Since 1922 Indian has been holding a non-elective seat on the Governing body as one of the 10 countries of chief industrial importance.** Indian employers and workers representatives have been elected as Members of the Governing Body from time to time.

Four Indians have so far been elected Chairman of the Governing Body. They are Sir Atul Chatterjee(1932-33), Shri Shamal Dharee Lall, Secretary , Ministry of Labour(1948- 49), Shri S.T.Meerani, Joint Secretary, Ministry of Labour(1961-62) and shri B.G.Deshmukh, Secretary, Ministry of Labour(1984-85).

The Governing Body of ILO functions through its various Committees. India is a member of all six Committees of the Governing Body viz. (i) Programme, Planning and Administrative;(ii)Freedom of

Association;(iii) Legal Issues and International Labour Standards; (iv) Employment and Social Policy (v) Technical Cooperation and (vi) Sectoral and Technical Meetings and Related issues.

The International Labour Office

The International Labour Office, Geneva provides the Secretariat for all Conferences and other meetings and is responsible for the day-to-day implementation of decisions taken by the Conference, Governing Body etc. **Indians have held positions of importance in the International Labour Office. Special mention must be made of Shri.S.K.Jain who retired as Deputy Director General of the ILO.**[28]

Aims and Objectives of ILO

The fundamental principles of the ILO, as contained in the first part of the Philadelphia Declaration, are worded as follows:

- Labour is not a commodity.
- Freedom of expression and of association are essential to sustain progress.
- Poverty anywhere constitutes a danger to prosperity everywhere.
- The war against want requires to be carried on with unrelenting viguor within each nation, and by continuous and concerted international effort in which the representatives of workers, and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision, with a view to the promotion of the common welfare.[29]

The main objective of ILO functioning is to remove injustice, hardship and privation of large masses of toiling people all over the world

and to improve their living and working conditions and thus establish universal and lasting peace based upon social justice.

INDIA AND ILO

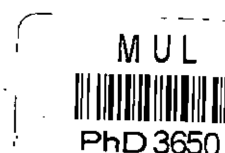
The history of most of the Labour Legislation in India is linked with the establishment in 1919 of the ILO which gave world –wide publicity to the condition of workers in different countries and created awareness regarding their problems.

ILO has been in India, physically for over 70 years. The Area office started functioning in New Delhi in November 1928. The Bangkok Regional Office of ILO, of which the Delhi Area Office is now a part, came much later. It may be relevant to emphasize that there is great similarity of approach between what is contained in the constitution of India, on the one hand and in the constitution of International Labour Organization supplemented by the Declaration of Philadelphia, on the other.

The approach of India with regard to International Labour Standards has always been positive. The ILO instrument has provided guidelines and useful framework for the evolution of legislative and administrative measures for the protection and advancement of the interest of labour. To that extent the influence of ILO conventions as a standard for reference for labour legislation and practices in India, rather than as a legally binding norm has been significant. Ratification of a Convention imposes legally binding obligations on the country concerned and, therefore, India has been careful in ratifying Conventions.

India had ratified in October, 1998, ILO Convention 122 on Employment Policy, 1964. Convention 122 is a short but an important Convention, particularly in the context of the demand for making Right to work a fundamental right in Part III of our Constitution.

It has always been the practice in India to ratify a Convention when fully satisfied that the laws and practices are in conformity with the relevant ILO Convention. It is now considered that a better course of action is to proceed with progressive implementation of the standard, leave the formal ratification for consideration at a later stage when it becomes practicable. **India have so far ratified 39 conventions of the ILO, which is much better than the position obtaining in many other countries.** Even where for special reasons, India may not be in a position to ratify a Convention, India has generally voted in favour of the Convention reserving its position as far as its future ratification. [30] The list of ILO conventions ratified by India is given in Appendix 2.2.



ILO FRAMEWORK

The International Labour Organization has adopted a number of Declarations and Conventions for the treatment of workers. The ILO, in its International Labour Conference, June 1998 adopted the Declaration on Fundamental Principles and Rights at Work. **The workers' rights, referred to as the "core labour standards" of the ILO, included eight ILO Conventions. These Conventions focus on issues of the right of freedom of association and effective recognition of the right to collective bargaining (Conventions No.87, 1948 and 98, 1949); elimination of all forms of forced or compulsory labour (No29, 1930); effective abolition of child labour and minimum age (No 138, 1973 and No. 182, 1999), elimination of discrimination in respect of employment and occupation, equal remuneration (No. 100, 1951 and 111, 1958).**

Of the eight Conventions included in the ILO core labour standard, only three have been ratified by India relating to forced labour, equal remuneration and discrimination. The insecurities faced by informal workers require a whole matrix of rights and the core labour standards, as formulated above, do not



address these. India has ratified a series of other Conventions pertaining to the conditions of workers, mainly of the organized sector workers.

Since 1999, the ILO set itself the challenge to achieve decent work for all by promoting **'opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity' (ILO 1999). Interest in achieving this outcome for all implicitly extended the ILO's reach from its traditional base of formal sector wage workers to include the self-employed and other workers outside traditional employee-employer relations. It extended its outreach to the informal economy. In 2002 it made this expansion explicit through the International Labour Conference's focus on 'decent work and the informal economy' (ILO 2002).**

The embrace of **'decent work for all' illustrates the ILO's interest in incorporating a greater development focus which places the needs of the working poor, particularly the informal workers, more central to its aims (ILO 1999). Decent work integrates the ILO's four strategic objectives, and can be linked to poverty reduction since increased opportunities for work, increased rights at work, social protection and greater voice in the workplace are associated with improvements in capabilities and well being (Chen, Vanek and Carr 2004; Saith 2004). The key point is that it is not just the number of jobs created but the quality of those opportunities that makes the work decent and which links decent work to poverty reduction (ILO 1999, 2002b; Chen, vanek and Carr 2004).**

Although India agrees that the four strategic objectives are necessary for decent work, this has no meaning unless we can provide an opportunity to work. **Therefore, employment generation should be the focus of the all ILO programmes and activities.** The basic requirement of Decent Work should be to first ensure work to any potential worker and then all other elements of the decent work concept will automatically follow. This stand of India was

appreciated by other nations as well. **India also made it clear in the meetings of the ILO that the concept of decent work has to be fixed keeping in mind the conditions of work in the social, Economic and cultural context of each country.**[31] It cannot be made applicable uniformly to every country.

Core Conventions of the ILO

The eight core conventions of the ILO (also called fundamental / Human Rights Conventions) are

1. Forced Labour Convention (No.29)
2. Abolition of Forced Labour Convention(No.105)
3. Equal Remuneration Convention (No.100)
4. Discrimination (Employment Occupation)Convention (No.111)

The above four has been ratified by India

5. Freedom of Association and Protection of Right to Organized convention (No.87)
6. Right to Organize and Collective-Bargaining Convention (No. 98)
7. Minimum Wage convention (No. 138)
8. Worst forms of child Labour-conventions (No.182)

These four are yet to be ratified by India

Consequent to the world summit for Social Development in 1995, the above mentioned Conventions' (S.No.1 to 7) were categorized as the Fundamental Human Rights Conventions or Core Conventions by the ILO. Later on, Convention No.182 (Si.No.8) was added to the list.[32]

To conclude, in this chapter we have discussed the genesis of Human Rights, the various Conventions' and Organizations in the International Perspective with respect to workers rights. In this regard the chapter further discussed the role of United Nations Organization and International Labour

Organization in protecting the rights of workers. After a detailed study of the various organizations and conventions in the international level regarding workers rights it is evident that all provisions are applicable for organized sector but the social security of the workers in the unorganized sector with reference to tannery workers which happens to be the study area remains unprotected.

REFERENCES

1. Ponnaian M., Panch Ramalingam, Rani Ponnaian, ***"Human Rights for the Third Millennium"***, Pon Rani Publications, Delhi, 2001, p.43.
2. Krishna Iyer V.R., ***"Human Rights and Inhuman Wrongs"***, BR Publication Corporation, New Delhi, 2003, p.8.
3. Basu D.D., ***"Human Rights in Constitutional Law"***, Printice Hall Publication, New Delhi, 1994, p.42.
4. Ian Brownlie, ***"Basic Documents in International Law"***, Oxford University Press, London, 2001, p.3.
5. Richard Dean, ***"The Soviet View of Human Rights in International Law"***, Virginia Journal of International Law, 1981, U.S, p.52.
6. Lohit D. Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani Publications, Bangalore, 2004, p.54.
7. Basu D.D., ***"Human Rights in Constitutional Law"***, Printice Hall Publication, New Delhi, 1994, p.44.
8. Venkataramaiah E.S., ***"Emerging Human Rights"***, International Law Association, New Delhi, 1998, p.355.
9. Lohit D. Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani Publications, Bangalore, 2004, p.57.
10. Lewis Henkin, ***"Human Rights in International Law"***, Clarendon Press, United States, 1984, p.25
11. ***Ibid., p.89.***
12. Prakash Chander, Prem Arora, ***"International Relations"***, Cosmos Bookhive, New Delhi, 1995, p.265.
13. Lohit D. Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani Publications, Bangalore, 2004, p.61.

14. *United Nations Actions in the Field of Human Rights,* New York and Geneva, 1994, p.6

15. *Ibid., p.8.*

16. Gupta U.N., *"The Book Human Rights Conventions and Indian law",* Atlantic Publishers, Delhi, 2004, p.180.

17. Starke, *"Introduction to International Law",* Aditya Books Private Limited, New Delhi, 1994, p.626.

18. *Ibid., p.628.*

19. Agarwal H.O., *"Human Rights",* Central Law Agency, Allahabad, 2000. p.81.

20. Lohit D. Naikar, *"The Law Relating to Human Rights",* Puliani and Puliani Publications, Bangalore, 2004, p.154.

21. *Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector,* Academic Foundation, New Delhi, 2007, p.145.

22. Prakash Chander, Prem Arora, *" International Relations",* Cosmos Bookhive, New Delhi, 1995, p.313.

23. *United Nations Actions in the Field of Human Rights,* New York and Geneva, 1994, p.16.

24. Adda Bozoman, *"The Future of Law in a Multicultural World",* Prince University Press, New York, 1971, p.183.

25. Vincent R.J., *"Human Rights in International Relations",* Cambridge University Press, New York, 1986, p.40.

26. Rahul Rai, *"Human Rights UN Initiatives",* Authors Press, New Delhi, 2000, p.53

27. *Ibid., p.65.*

28. *www.ilo.org/ilolex/english/subjecte.hotm#s.10*

29. Jetli N.K., ***"India: Economic Reforms and Labour Policy",*** New Century Publications, New Delhi, 2004, p.171.

30. ***Ibid., p.182.***

31. ***Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector,*** Academic Foundation, New Delhi, 2007, p.146.

32. ***www.ilo.org/ilolex/english/subjecte.hotm#s.10***

Chapter - 3

Human Rights of Workers - National Perspective

CHAPTER –III

HUMAN RIGHTS OF WORKERS - NATIONAL PERSPECTIVE

GENESIS OF HUMAN RIGHTS IN INDIA

India has a great traditional value for Human Rights as an inalienable natural right since ancient historical period. The Indian History is warranted by the faith that Human Rights jurisprudence has always occupied a place of prime importance in India's rich legacy of historical tradition and culture. The truth is that what the West has discovered about Human Rights now, India has embedded the same in its deep rooted traditions since time immemorial.

Moreover, the philosophy of Human Rights in the modern sense has taken shape in India during the course of British rule. The Indian National Congress, which was in the vanguard of freedom struggle, took the lead in this matter. National struggle for freedom was truly an attempt to secure basic Human Rights for all the people, with the result that there was the promulgation of the constitution by the people of India.

Human Rights in India during Ancient Period

Ancient Indian philosophers and thinkers expounded a theory of higher moral law over and above positive law embodying certain values of Universal validity like Dharma (Righteousness), Artha (Wealth), Kama (Desires) and Moksha (Salvation) with a view to establish a harmonious social order by striking a balance between inner and outer, spiritual and material aspects of life.

The basis of ancient Human Rights jurisprudence was Dharma – the ideal of ancient Indian legal theory was the establishment of socio – legal order free from traces of conflicts, exploitations and miseries. Indeed

such a law of Dharma was a model for the universal legal order. The philosophers of Vedic age endeavoured to define Human Rights as those rights which were inherent in our nature and without which we could not live as human beings. **The Vedas proclaim the liberty of body (Tan), dwelling house (Skridhi) and life (Jibase).** Vedic philosophy endorsed that Human Rights enveloped within its fold the **"constant perpetual desire of giving to every man what is due to him".** Rig Veda further provided an adequate framework for the regulation of the behavior of the ordinary person and even of the king.

Mahabharatha describes it as being ordained for the advancement and growth of all creatures for restricting creatures from injuring one another and upholding all creatures. Thus, in India, the Dharma of the Vedic period provided for the protection of the rights of man. **Rig-Veda further contended that the king who receives food grains and goods from his subjects were bound to ensure the well-being (Yogaksema) of his subjects.** In fact, Yogaksema implies the idea of welfare, well-being including the idea of prosperity, happiness and so on.

There was, however, a downfall of Human Rights jurisprudence in post Vedic period. **This period witnessed the rise of Buddhism and Jainism which were certainly a reaction against the deterioration of the moral order as against the rights of the privileged class.** A close scrutiny of Buddhist period reveals that people were equal in all fields of their life. Life was indeed more liberal and repudiated caste destinations. **After Buddha, Ashoka protected and secured the Human Rights particularly right to equality, fraternity, liberty and happiness. Mauryan and Gupta Empire were also symbolized with the golden periods in respect of protection of the Human Rights.** Hieuen Ttsang says that administration in Chandragupta period was founded on benign principles. There was no forced labour, crimes were rare, and king personally supervised the whole administration.

The last Emperor of Hindu India, Harsha Vardhana aimed his governance towards the welfare of the governed. He provided food and drinks and stationed physicians with medicines for the poor persons without any cost. Men of merit and ability were patronized irrespective of their castes, colour and creed.[1]

Human Rights in India during Medieval Period

In the Medieval Period, the philosophical and ideal speculations were replaced by a new ideal of chivalry, war and other heroic traditions which led to confusion and uncertainty. In the initial stage, the advent of Muslim rule led to systems and ideals totally different from Hindu view of society and life. **Muslim conquerors especially Mohmud Ghagnavi and others made frontal attacks on Ancient way of life and religion.** But Mughal rulers especially with Akbar began a new era in Mughal History of India in the field of Human Rights, with his policy of universal reconciliation and tolerance. He was earnestly concerned with the welfare of his subjects.

Besides freedom of trade, freedom of religion, at least in a limited sense, was a fascinating aspect of the Mughal period. **Akbar himself respected all faiths. He never used force to impose his Din-I-Ilahi (divine religion) on his subjects.** In fact, Jains, Parsis, Hindus and Christians all took their share in the decision-making process of the Akbar administration. **He followed the path of Sul- I-Kul or universal toleration or peace with all.**

The trend initiated by Akbar came to be reversed by Aurangazeb though the Marathas and the Sikhs opposed and fought the fanatism of Aurangazeb and his successors. The sheer indifference to Human Rights ultimately gave rise to Bhakti Movement in India. It revived and regenerated old Indian value of truth, righteousness, justice and morality.[2]

Human Rights in India during British Period

The modern version of Human Rights jurisprudence may be said to have taken birth in India at the time of the British rule. When the British ruled India, resistance to foreign rule was manifested in the form of demand for fundamental freedom and civil and Political rights for the people. There was no fundamental law guaranteeing the subjects rights and liberties and they were humiliated and discriminated in many ways, in their own country. **Moreover, under the British rule, Human Rights and democracy was suspect, and socialism was anathema for the process of administrative and judicial justice.**

The British looked down upon Indian values, myths, mores and lore's as a lump of loathsome and demeaning thought. **Indians were discriminated in matters of their political and civil liberties and rights by these British rulers.** The legislature, executive and judiciary were oriented to protect and promote the interests of the British nationals. **Therefore, Gandhiji, condemned British rule over India as 'Satanic', 'Adharmik' (unjust) and coercively violent. So he expounded the theory of peaceful resistance (Satyagraha) to fight against British laws, for they deprived Indians a meaningful life, liberty and national independence.**

Due to the demand of the Indians through the national movements and formation of various organizations, the **Charter Act of 1813 was enacted with a view to promote the interest and happiness of the native inhabitants in India.** Similarly, **Charter Act of 1833 was passed to allow the Indians to enjoy some political rights.** The Act of 1833 made some definite and liberal steps towards the fulfillment of the rights of the natural born subjects of His Majesty as well as the natives of the British territories.

Next to this, the proclamation of **Queen Victoria in 1833 declared the "Secular nature of the State"** and the principles of non-interference with the religious belief and worship of any of the subjects.[3]

The Government of India Act, 1915, in pursuance of the demands for Fundamental Rights through the 'home rule document' prepared by Indian National Congress (INC) in 1895, guaranteed equal opportunity in the public services regardless of race and religion. But only this guarantee did not satisfy the people of the country; so a series of resolutions adopted by the Indian National Congress between 1917 and 1919 repeated the demand for civil rights and equality of status with the English.

Madras Congress of the INC in 1927 demanded incorporation of a declaration of Fundamental Rights in any future constitutional framework. In this regard, a committee under Motilal Nehru was appointed. Reporting in 1928, the Motilal Nehru Committee declared that the first concern of the people of India was to secure Fundamental Rights. It is interesting to note that the constitution of the republic of India enacted in 1950, incorporated ten of nineteen rights enumerated in the Motilal Nehru committee Report, 1928.

The Simon Commission, appointed by the British Government, however totally rejected the demand voiced by Motilal Nehru Committee Report. Again in 1931 the Karachi Session of Congress (INC) adopted a detailed progarmme of 'Fundamental Rights and Duties and Economic and Social Change'. At the time, when Government of India Act, 1935, was in the anvil, it was proposed that Fundamental Rights were to be enumerated in the constitution. But the report of the statutory commission was not in favour of it, one of the reasons given being that the princely states in India were against the formulation of such rights. It is amply clear that more repressive measures were adopted to crush the liberties of people during the Second World War. **Thus the Government of India Act, 1935, was passed without any bill of**

rights much to the disappointment of the Indian leaders. However, subsequently the Sapru Committee, 1945 stressed on the need for written code of Fundamental Rights and constituent assembly raised a forceful demand for the inclusion of Human Rights in constitution. **With the commencement of the Constitution of Republic of India 1950, the natural right that is the Human Rights in the form of Fundamental Rights have been incorporated in Part III of the constitution.** The philosophy of Human Rights and **Directive Principles of State Policy for good governance and better administration has been incorporated in preamble and Part IV of the Indian Constitution.**[4]

Human Rights in India since Independence

The Constitution of India which was adopted on November 26, 1949 came in to effect from January 26, 1950. This was at a time when deliberations for the Universal Declaration were going on and naturally the framers were influenced by the concept of Human Rights, which were later embodied in the International Covenants. **The International Covenant on Civil and Political Rights consisting of 27 Articles was drafted as early as 1954.** Because of the sharp division between the east and the west, east representing revolutionary socialistic forces and west representing **Democratic – Libertarian principles, there was a disagreement as to the nature, source, content and beneficiary of Human Rights, ultimately leading to separate covenants – Covenant on Civil and Political Rights and Covenant on Economic, Social and Cultural Rights.** Both were adopted by General Assembly in 1966, but came into force in 1976.[5]

The two different but inseparable aspects of Human Rights namely, the Civil and Political Rights, Economic and Social Rights are both reflected in the Fundamental Rights of the Constitution of India. The realization of Civil and Political rights was considered as a goal within immediate reach while the Economic, Social and Cultural Rights were regarded

as ideals for which the country should strive. Some of these have been incorporated in Part III of the Constitution, while others find place in Part IV of the Constitution. **Part III of the Constitution provides for Fundamental Rights, contravention of which is impermissible either by the legislature or the executive. Part IV of the Constitution contains what are the called the Directive Principles of State Policy,** which are not enforceable but which nevertheless as the constitution says are fundamental in the governance of the country.[6]

In Preamble of the Constitution the people of India have resolved to secure to all citizens the following four objectives, with specific mention to the dignity of individual.

a) Justice	-	social, economic and political;
b) Liberty	-	of thought, expression, belief, faith and worship;
c) Equality	-	of status and opportunity, and to promote among them all;
d) Fraternity	-	assuring the dignity of the individual and the unity and integrity of the nation

With a view to achieve the above mentioned aims and objectives, the framers of Indian Constitution incorporated Human Rights in to two parts, much the same way as International covenants, Civil and Political Rights, **the justiciable Human Righrts were included in Part III (Fundamental Rights) and non-justiciable Social and Economic Rights were set forth in Part IV (Directive Principles of State Policy) of the Constitution.**[7]

Fundamental Rights

The rights conferred upon the individual under Part III of constitution are called Fundamental Rights because they are secured by the constitution, which is the supreme law of the land. They are called Fundamental Rights

because they are most essential for the attainment by the individual in his full intellectual, moral and spiritual status. "**They (Fundamental Rights) represent the basic value cherished by the people of the country since Vedic times and they are calculated to protect the dignity of individual and create conditions in which every human being can develop his personality to the fullest extent".** Indian Constitution provides an overarching framework for regulation of conditions of work as well as protection and promotion of livelihoods. **The Fundamental Rights guaranteed by the Constitution prohibit the exploitation of labour through the use of forced labour and child labour in factories and mines or in hazardous occupations (Articles 13 and 14). It also guarantees non-discrimination by the State and equality of opportunity in terms of public employment (Articles 15 and 16). The right to form associations and unions is also a Fundamental Rights under Article 19.**[8]

Justiciable Rights under Constitution

Constitution of India groups Fundamental Rights under several sub-heads

a) Right to Equality **(Article 14to18)**
b) Right to Freedom **(Article 19 to 22)**
c) Right against Exploitation **(Article 23 and 24)**
d) Right to Freedom of Religion **(Article 25 and 26)**
e) Cultural and Educational Rights **(Article 29 and 30)**
f) Right to Property **(Article 31)** – However the right to property was deleted from the list of Fundamental Rights by the 44th Amendment Act, 1978. It is made as a legal right under 300A in Part XII of the Constitution. So at present there are only six Fundamental Rights.
g) Right to Constitutional Remedies **(Article 32)**

Directive Principles of State Policy

One of the basic aims pledged in the preamble of the constitution is to establish economic and social democracy. Without adhering to the major principles such as **'Individualism' as practiced by the western democracy or to the 'Socialism' of the eastern socialistic countries, our framers of the constitution tried to effect a compromise between both eliminating the vise of private enterprise and 'Social Control'. This is why a "socialistic pattern of society" was declared to be the objective of Planning by Pandit Nehru. To quote Dr. Ambedkar... "having regard to the fact there are various ways by which economic democracies may be brought about, we have deliberately introduced in the language that we have used, in the directive principles, something which is not fixed or rigid. We have left enough room for people of different ways of thinking with regard to the reaching of the idea of economic democracy, to strike in their way to persuade the electorates that is the best way of reaching economic democracy, the fullest opportunity to act in the way in which they want to act".**[9]

Thus the directive principles appeared to set standards of achievements before the legislature and executive. Directive principles lay down certain goals which may be achieved through various means, that is, they are the ideals, which the Government's must bear in mind while they formulate policy or pass a law. They lay down certain social, economic and political principles, suitable to particular conditions prevailing in India. The Directive Principles of State Policy in Part IV of the Indian Constitution lay down goal posts and the direction of State Policy. While the right to work is not a fundamental right for the citizens of India, it is included in the Directive Principles of State policy. It states **"The state shall within the limits of its economic capacity and development, make effective provision for securing the right to work".** The Directive Principles also include provision for just and humane conditions of work and maternity relief. Further, **"The state shall endeavour to secure by**

suitable legislation, or economic or organization or any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, and conditions of work ensuring a decent standard of life". [10]

Non-Justiciable Rights under constitution are grouped in Chapter IV, Directive Principles of State Policy, they are

1. Right to adequate means of livelihood **(Article 39(a))**
2. Right to both sexes to equal pay for equal work **(Article 39(d))**
3. Right against economic exploitation **(Article 39(e))**
4. Rights of Children and the young to be protected against exploitation and to opportunities for healthy development, consonant to freedom and dignity **(Article 39(f))**
5. Right to equal opportunity for justice and free legal aid **(Article 39 A)**
6. Right to Work **(Article 41)**
7. Right to public assistance in case of unemployment, old age, sickness and other cases of undeserved want **(Article 41)**
8. Right to humane conditions of work and maternity relief **(Article 42)**
9. Right to a living wage and condition of work ensuring decent standard of living for workers **(Article 43)**
10. Rights of workers to participate in management of industries **(Article 43-A)**
11. Rights of Children to free and compulsory education **(Article 45)**

The Directive Principles of State Policy which though not justiciable, is being given due importance in the governance of the country and it is the duty of the state to apply these principles in making laws. Labour policy of the Government of India derives its philosophy from the aforementioned articles of

the constitution and a number of legislations have been enacted for this purpose.

As the study is about the analysis of the rights of the tannery workers the researcher has focused on certain important legislations that safeguard the rights of workers in general. These legislations are primarily concerned with the protection of Human Rights of workers. Although these legislations are put forth for the workers in general these legislations are not applied both in letter and spirit when it comes to unorganized sector which ultimately result in Human Rights violation.

IMPORTANT LABOUR LEGISLATIONS

In our country labour laws have been codified in consonance with the Directive Principles of State Policy and thoughts of great leaders like Mahatma Ghandhi, Pandit Nehru and Sardar Vallabh Bhai Patel and the Universal Declaration of Human Rights and other principles recommended by the International Labour Organisation, from time to time. Some of the labour enactments are given below.

1. Workmen's compensation Act 1923

There was a rapid increase in diseases, deaths and injuries among industrial workers due to accidents. The Act makes the employer liable to pay the compensation for injuries sustained by the workmen due to accident arising out of and in the course of his employment. **The compensation is payable in the form of half-monthly payments commencing from the eighth day of disablement. A lump sum is payable in the case of permanent disablement or death.** Minimum rates of compensation for permanent total disablement and death are fixed at Rs. 90,000 and Rs. 80,000 respectively. Maximum amount for death and permanent total disablement can go up to Rs. 4.56 lakh and Rs. 5.48 lakh respectively depending up on the age and wages of workmen. [11]

2. **Payment of Wages Act , 1936**

The general purpose of the Act is to provide that employed persons shall be paid their wages in a particular form and at regular intervals and without any unauthorized deductions. If the payment of wages is delayed or wrongful deductions are made, workers or their union can file a claim. This Act was codified before the Constitution of India came into force; it has been amended from time to time in order to carry out the State policy contained in the Directive Principles of State Policy. [12]

3. **Minimum Wages Act, 1940**

The Minimum Wages Act requires the appropriate government (a) to fix the minimum rates of wages payable to employees employed in a specified employment. (b) To review after such intervals as it may think fit, such intervals not exceeding 5 years, the minimum rate of wages so fixed and revise the minimum rates if necessary. The act provides that the appropriate government may fix (a) a minimum rate of wages for time work. (b) a minimum rate of wages for piece work (c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a time work basis (d) a minimum rate to apply in substitution for the minimum rate which would otherwise be applicable to respect of overtime work done by employees.[13]

4. **Bonded Labour System (Abolition) Act, 1976**

The Bonded Labour System was abolished in the country through this Act. **The Act envisaged the release of all bonded labourers liquidation of their debts and their rehabilitation.** Under the Act, identification and release of bonded labourers and rehabilitation of freed bonded laboureres is the direct responsibility of the state government concerned. [14]

5. The Factories Act

As far as the administration aspect of the Factories Act was concerned although centralization of administration was the rule, powers were given to local governments also. The centre confined itself with enunciating and incorporating the main and fundamental principles of factory legislation in the Act leaving the task of framing rules and administration of the Act entirely to the provincial governments.

The Factories Act 1934, importantly however extended the purview of the Act to look after the hygienic conditions of the factories to prevent disease among those who are engaged in hazardous occupations after implementation of Factories Act, 1934. Hides and Skins was one of them. Special rules under section 33(4) of the Indian Factories Act, 1934 was required for 2 types of factories only, one of them being, 'Hides and Skins' including tanneries, the other one chemical works. The class of work that came under section 34(4)2 of Factories Act 1934 included bailing press and tanneries. [The whole leather tanning (hide and skins) industry was divided into pre-tanning processes; tanning, bail and press (finishing) and leather work (leather product units)]. The insanitary and unhealthy condition found in the tanneries were, however, not found in the leather bailing presses in which dry hides and skins were handled prior to export. Hence separate rules were made to cover these two classes of workers.[15]

The Factories (Amendment) Act (XVI) of 1941, empowered the provincial government to extend all or any specified manufacturing establishments working with or without power and employing 10 or more persons. The Government of Madras extended these provisions of the Factory Act, to 11 classes of small factories employing 10 or more workers which included tanning of hides and skins. Hence it was **only in 1942, that all tanneries irrespective of their size were covered by the provisions of the Factory Act.**[16]

The Factories Act, 1948 was passed to consolidate and amend the law regulating workers in factories. The Act was passed to make more beneficial provisions to the workers. It is a welfare legislation for the protection of the workers. **The main objectives of the Act are as follows:**

(i) It protects the interests of workmen;

(ii) It ensures better conditions of work to the workmen;

(iii) It prevents the employers from taking advantage of weaker bargaining powers of the workmen;

(iv) It regulates the conditions of employment of young persons and females;

(v) It provides for safe and healthy working conditions inside the factories;

(vi) It requires the employer to take certain minimum steps for the welfare of the workers;

(vii) It ensures uniformity in the number of working hours and leave with wages;

(viii) It provides for licensing, registration and inspection of factories.[17]

Rules Relating to Health of the Workers in Factories Act, 1948

Section 11 to 20 of the Act deals with the rules relating to health of the workers in factories. These rules are intended to ensure good working conditions in the factory keeping in view of Article 42(Directive Principles of State Policy) of the Indian Constitution, which requires that the state should make provision for securing just and humane conditions of work. The Act requires the employer to provide the following facilities in every factory.

- **Cleanliness of the Factory: Section 11 of the Act lays down that the following precautions shall be taken in every factory for keeping the factory clean:**

(a) Every factory must be kept clean and free from effluvia arising from any drain, privy or other nuisance;

(b) Floors, benches, staircases and passages should be swept daily;

(c) The floor or the work room should be cleaned at least once in a week with disinfectant;

(d) Where the floor become wet during the course of the manufacturing process it must be effectively drained;

(e) White-washing of factory walls must be done at least once in every 14 months;

(f) Doors, window panes, framework and shutters should be painted at least once in every 5 years; and

(g) The date on which the above mentioned processes are carried out should be entered in the prescribed register. State government can give exemptions from the above provisions to any particular factory or any class or factories and specify alternate methods for keeping the factory in a clean condition.

- **Section 12 of the Factories Act deals with Disposal of Waste and Effluents.** It specifies that every factory must make effective arrangements for the treatment of waste and effluents resulting from the manufacturing process so as to render them innocuous and for their disposal. It further says that State Government may make rules prescribing the arrangements to be made for the above purpose.

- **In Section 13 of the Factories Act Ventilation and Temperature is being discussed.** It lays down that in every factory effective and suitable provisions should be made for adequate ventilation by circulation of fresh air and keep the factory in such temperature as will secure to workers, reasonable comfort and prevent injury to their health. It is further provided

that walls and roofs shall be of such material and so designed that temperature shall not be exceeded but kept as low as practicable.

- **Section 14 of the Factories Act makes provisions for Dust and Fume.** It says that where dust and fume or impurity of such nature is given off as the result of the manufacturing process, effective arrangements must be made for the prevention of inhalation and accumulation of dust or fume in any work room. For this propose any exhaust appliance, or ceiling of the point of origin of dust must be adopted.

- **The issue of Lighting is being discussed in Section 17 of the Factories Act.** It lays down that every factory must provide sufficient and suitable lighting, whether natural or artificial or both, in the working and passing place. There should not be any glare or reflection from the source of light so as to cause eye strain.

- **Provision of Drinking Water is dealt in Section 18 of the Factories Act.** It says that every factory must make arrangement to provide and maintain at such suitable points, sufficient supply of pure drinking water to the workers. All such points shall be legibly marked as **"Drinking Water"** in a language understood by a majority of the workers employed in the factory. Such points shall be situated beyond 20 feet of any washing place, urinals or latrine. With the permission of the Chief Inspector the drinking water points may be located in a shorter distance. In every factory where more than 250 workers are employed, provision shall be made for cool drinking water during hot season.

- **Section 19 of the Factories Act mentions about the provision of urinals and latrines.** It specifies that sufficient number of latrines and urinal accommodation shall be provided, separate enclosed latrines and urinals* shall be provided for male and female workers, such latrines and urinals shall be adequately lighted and ventilated, all such latrines and urinals shall be maintained in clean and good sanitary condition at all times and

sweepers shall be employed with the primary duty to keep latrines and urinals clean.

Rules Relating to Safety of the Workers in Factories Act, 1948

Section 21 to 40 of the Act provides a number of provisions to secure a very high standard of safety to workers in factory. It is an absolute and continuous duty of the occupier of a factory to comply with the safety provisions laid down in the Act. **Section 21 of the Act makes provisions relating to fencing of machinery.** It emphasizes that every dangerous machinery in a factory must be securely fenced by safeguards so as to avoid any accident and resulting injury to the workers. **Section 22 of the Act makes provision relating to work on or near machinery in motion.** In cases where the examination of a machinery while in motion is necessary, it shall be made only by a specially trained adult worker wearing tight fitting clothing whose name has been recorded in the prescribed register kept for that purpose. **The issue of striking gear and devices for cutting off power is being discussed in section 24 of the Factories Act.** It lays down that in every factory suitable striking gear and efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery. Further devices for cutting off power in emergencies from running machineries shall be provided and maintained in every work room. **Section 32 of the Factories Act makes suitable provisions for sound construction of floors, steps, stairs, passages and gangways properly maintained and kept free from obstructions and substances likely to cause persons to slip. Section 33 of the Factories deals with pits, sumps and openings in floor.** It says that in every factory every fixed vessel, sump, tank, pit or opening in the ground or in a floor, which is dangerous in nature by reason of its depth, situation or the content, shall be securely covered or fenced. **Section 34 of the Act prevent the employment of person in any factory to lift, carry or move any load so heavy which may**

likely cause injury to him. **Section 35 makes rules which require that effective screens or suitable goggles** be provided for the protection of persons employed in the immediate vicinity of any process which involves risk of injury to the eyes from the particles or fragments thrown off in the course of the process or risk to the eyes by reason of exposure to excessive light. **Section 36 of the Act prevents a person to enter any room, tank, pit or pipe in which dangerous fumes, gas, or vapour is likely to be present,** any gas fume or vapour which is likely to explode would be safely let out through pipes and thereby possible ignition shall be provided. **Section 38 lays down that in any factory where the manufacturing process produces dust, gas, fume or vapour of such character likely to explode on ignition then all precautionary measures** shall be taken to prevent any such explosion by effective enclosure of the plant or machinery used in the process or removal or prevention of the accumulation of such dust, gas, fume or vapour or exclusion or effective enclosure of all possible source of ignition.

As the study is centered on tannery workers, the Tamil Nadu Factories Rules 1950, which deals with tannery workers, is being referred here for a detailed study. In the Factories Rules 1950 under Chapter IX, Schedule IX lays down the provisions with regard to the working condition and welfare facilities necessary for the tannery workers at workplace. In this regard the researcher has enlisted the important components of Factories Rules 1950. [18]

Tamil Nadu Factories Rules 1950

[G.O.No.1041, Development 15th March, 1950]

In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Madras hereby makes the following rules, the same having been previously published as required by section 115 of the said Act. These rules may be cited as the

Tamil Nadu Factories Rules, 1950. These rules shall extent to the whole of the state of Tamil Nadu.

Tamil Nadu Factories Rules, 1950, under chapter IX, section 87 makes special provisions for dangerous operations in any factory in which liming and tanning of raw hides and skins is one of them. Under Chapter IX of Factories Rules of 1950, Schedule IX deals with certain provisions for employees employed in liming and tanning of raw hides and skins and process incidental thereto.

I. Cautionary Notices

i) **Cautionary Notices as to anthrax** in the form specified by the chief inspector shall be affixed in prominent positions in the factory where they may be easily and conveniently read by the persons employed.

ii) **A copy of warning notice as to anthrax** in the form specified by the chief inspector shall be given to each person employed when he is engaged and subsequently is still employed, on the first day of each calendar year.

iii) **Cautionary notices as to the effects of chrome on the skin** shall be affixed in prominent positions in every factory in which chrome solutions are used and such notices shall be so placed as to be easily and conveniently read by the persons employed.

iv) Notices shall be affixed in prominent places in the factory stating the position of the **"First-Aid" box or cupboard** and the name of the person in charge of such box or cupboard.

v) If any person employed in the factory is illiterate, effective steps shall be taken to explain carefully to such illiterate person the contents of the notices specified in the paragraphs 1, 2 and 4 and if chrome solutions are used in the factory the contents of the notice specified in paragraph 3. [19]

II. **Protective Clothing:** The occupier shall provide and maintain in good condition the following articles of protective clothing.

a) **Water-proof footwear, leg coverings, aprons and gloves** for persons employed in process involving contact with chrome solutions, including the preparation of such solutions;

b) **Gloves and boots** for persons employed in lime-yard and

c) **Protective footwear, aprons and gloves** for persons employed in processes involving the handling of hides and skins, other than in process specified in clauses (a) and (b) provided that

i) The gloves, aprons, leg coverings or boots may be of rubber or leather but the gloves and boots to be provided under sub clauses (a) and (b) shall be of rubber

ii) The gloves may not be provided to persons fleshing by hand or employed in process in which there is no risk of contact with lime, sodium sulphide or other caustic liquor.[20]

III. **Washing Facilities:** Washing facilities, mess-room and cloak-room shall be provided and maintained in a clear state and in a good repair for the use of all persons employed.

a) **A trough with a smooth impervious surface fitted with a waste pipe without plug,** and of sufficient length to allow at least 61 centimeters for every ten persons employed at any one time, and having a constant supply of water from taps or jets above the trough at interval of not more than 61 centimeters; or

b) **At least one wash-basin for every tens such persons employed at any one time,** fitted with a waste pipe and plug and having a constant supply of nail brushes, or other suitable cleansing material, and clean towels;

c) **A suitable mess-room, adequate for the number remaining on the premises during the meal intervals,** which shall be furnished with (1) sufficient tables and benches and (2) adequate means for warming food and for boiling water. The mess-room shall (1) be separate from any room or shed in which hides and skins are stored, treated or manipulated, (2) be separated from the cloak-room and (3) be placed under the charge of a responsible person[21]

d) **The occupier shall provide and maintain for the use of all persons employed, suitable accommodation for clothing put off during working hours and another accommodation for protective clothing** and shall also make adequate arrangements for drying up the clothing in both the cases, if wet. The accommodation so provided shall be kept clean at all times and placed under the charge of a responsible person.[22]

IV. Food, drinks etc., prohibited in work-rooms

No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any work room or shed in which hides or skins are stored, treated or manipulated. The mess-room shall (1) be separate from any room or shed in which hides and skins are stored, treated or manipulated, (2) be separated from the cloak-room and (3) be placed under the charge of a responsible person.[23]

V. Medical facilities and records of examination and test

1. The occupier of every factory to which the schedule applies shall

   a) Employ a qualified medical practitioner for medical surveillance of the workers employed therein whose employment shall be subject to the approval of the Chief Inspector of factories;

   b) Provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a);

c) Arrange for inspection of the hands of all the persons keeping in contact with the

d) Chromium substances to be made twice a week; and

e) Provide and maintain and supply suitable ointment and plaster in a box readily

f) Accessible to the workers and solely used for the purpose of keeping the ointment and the plaster

2. The record of medical examinations and appropriate tests carried out by the said medical practitioner shall be maintained in a separate register approved by the Chief Inspector of Factories, which shall be kept readily for inspection by the Inspector.

VI. Medical Examination by Certifying Surgeon

i) Every worker employed in any of the processes to which this schedule applies shall be examined by a certifying surgeon within 15 days of his first employment. Such examinations shall include skin test for dermatoses and detection of anthrax-bacillus from local lesion by gram stain. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the certifying surgeon.

ii) Every worker employed in this process shall be reexamined by a certifying surgeon at least once in every 12 calendar months and such re-examination shall, wherever the certifying surgeon considers appropriate;

iii) The certifying surgeon after examining a worker shall issue a certificate of fitness. The record of examination and re-examinations carried out shall be entered in the certificate and the certificate shall be kept in the custody of the manager of factory.

iv) The certificate of fitness and the health register shall be kept readily available for inspection by the Inspector.

v) If at any time the certifying surgeon is of the opinion that a worker is no longer fit for employment in the said processes on the ground that continuance therein would involve special danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents should also include the period for which he considers that the said person is unfit for work in the said processes. The person so suspended from the process shall be provided with alternative placement facilities unless he is fully incapacitated in the opinion of the Certifying Surgeon, in which case the person affected shall be suitably rehabilitated.

vi) No person who has been found unfit to work shall be re-employed or permitted to work in the said processes unless the certifying surgeon, after further examination, again certifies him fit for employment in those processes.[24]

UNORGANIZED NON-AGRICULTURAL WORKERS CONDITIONS OF WORK AND SOCIAL SECURITY BILL, 2007

Since most of the tannery units of the leather industry falls under the purview of unorganized sector the researcher intends to focus on the **Unorganized Non-Agricultural Workers Conditions of Work and Social Security Bill, 2007** in order to study the condition of work to be ensured for a wage worker, the social security benefits, social security welfare boards and welfare funds available for the unorganized labour.

The unorganized and non-agricultural sector of the economy of India employs about 30 percent of the total workforce. The workers in this sector may be broadly divided into wage workers, and self-employed workers (comprising of independent self-employed as well as home workers). The bill

is intended to provide minimum conditions of work for those unorganized workers who are wage and home workers in the unorganized sector, as well as other wage workers whose minimum conditions of work are not regulated by any other legislation. This bill is also intended to provide a measure of social security to the workers in the unorganized sector as well as informal/unorganized workers in the organized sector. It mandates the Central and the State governments to implement a package of National Minimum Social Security Scheme to which all unorganized workers would be entitled. It also provides a mechanism for dispute resolution for the unorganized workers. The **Unorganized Non-Agricultural Workers Conditions of Work and Social Security Bill, 2007 in Chapter I** defines **"Non-agriculture"** as all occupations other than those included in agriculture and includes occupation related to Mining and Quarrying, Manufacturing, Electricity, Gas and water supply and Construction sectors, and services (including trade, hotels, restaurants, transport, storage and communications, financing, insurance, real estate and business services, and community, social and personal services). **In Chapter II the Bill discusses the conditions of work to be ensured for the wage workers and home worker which encompasses the physical conditions of work, duration of work, conditions of work and payment of wages. Under physical conditions of work the Bill ensures the following**

1. Every unorganized non-agricultural wage worker shall be entitled to the provisions for lighting, ventilation, safe drinking water, washing facilities, first aid box available at a place of work maintained by the employer and reasonable housing and provision of basic amenities for seasonal migrant workers shall be as may be prescribed.

2. Every employer shall provide the unorganized wage or home worker with adequate safety equipment while handling hazardous substances and equipments. The State Board shall carry out periodic studies on occupational hazards arising in this sector and develop suitable outreach/extension programmes for the purpose.

3. Every employer shall compensate a wage or home worker for any accident or occupational hazard arising out or in the course of employment that results in temporary, permanent, partial or total disablement of the wage worker, at rates to be specified in this behalf.

Chapter III of the bill deals with the framing of schemes for social security benefits to be provided by the Central Government for the unorganized labour which is being discussed as follows.

Framing of Schemes

1. By this Act, the Central Government shall formulate and notify in the official Gazette a National Social Security Scheme containing such basic features as provided for in the Schedule to this Act.
2. The National Social Security Scheme for the unorganized non-agricultural workers shall consist of a package of the following national minimum social security benefits:
    a) Health benefits for self, spouse and children below the age of 18 years, and maternity benefits for women workers or spouse of men workers;
    b) Life and disability cover for natural or accidental death of the worker;
    c) Old age security in the form of old age pension for workers above the age of 60 years or Provident Fund.
3. The scheme shall be applicable to all eligible workers within a period of five years.
4. In addition to the national minimum, the central government may frame on recommendations of the national Board such schemes as it may deem necessary or finance such schemes of the State governments/Welfare boards as it may find appropriate, subject to availability of finance by

such means as mentioned in Section 8 and may include those listed under (5) below.

5. The state government on recommendations of the State Board may formulate such unorganized worker based schemes as it may find appropriate to: a) strengthen the national minimum social security by way of its own contribution, and/or b) design and implement additional social security benefits through its own schemes. These may include:

   a) Provident fund Schemes
   b) Employment injury benefit scheme
   c) Housing schemes
   d) Educational schemes for children of workers
   e) Skill up-gradation of workers
   f) Funeral assistance
   g) Marriage of daughters; and
   h) Any other schemes to enhance the socio-economic security of the unorganized worker.

6. The Central Government shall have the power to remove difficulties that arise in giving effect to the provisions of the scheme by an order published in the Official Gazette, not inconsistent with the provisions of the Act, as appears to it necessary or expedient for the removal of the difficulty.

Chapter IV of the Bill gives an overview of the National Social Security and Welfare Fund for Unorganized Workers. It discusses the constitution of a National Social Security and Welfare Fund by the Central Government for the welfare of the unorganized workers. **Further Chapters V and VI of the Bill makes provisions for the establishment of National and State Social Security and Welfare Board** for Unorganized labour and also specifies the functions, composition and Secretariat of the Board. **Chapter VII deals with the registration of unorganized non-agricultural workers** which specifies the norms for the eligibility for registration and for social security

benefits, unique identification social security number, identity card, portability of registration, cessation of registration, membership of existing welfare boards. **In Chapter VIII the bill discusses the implementation machinery responsible for the delivery of mandatory social security benefits** and the manner in which the social security benefits shall have to be delivered to the registered non-agricultural workers. **Chapter IX makes provision for the establishment of Disputes Resolution Council** at the District Level and Conciliation Committees at and appropriate level below the district level i.e. Block/Tehsil/Mandal level, for resolution of disputes relating to the non observance of provisions of the Act arising amongst the unorganized non-agricultural wage workers/home workers, employers, workers facilitation centers and State Boards. It further lays down the functions and powers of the Conciliation Committee and Dispute resolution Council.[25]

LABOUR DEPARTMENT AT THE STATE LEVEL (TAMIL NADU)

The **Office of the Labour Commissioner in Tamil Nadu is functioning for the welfare of the workers.** The Labour Department in Tamil Nadu is enforcing the labour laws in order to regulate the conditions of employment and to protect the welfare of workers employed in various employments. **The following are the Acts administered at the State Level for workers apart from the central level Acts applicable.**

1. The Tamil Nadu Shops and Establishment Act, 1947 and Rules.
2. The Tamil Nadu Catering Establishments Act, 1947 and Rules.
3. The Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1981.
4. The Tamil Nadu Manual Works (Regulation of Employment and Conditions of Work) Act, 1947 and Rules.
5. The Tamil Nadu Shops and Establishment Act, 1947 and Rules.

6. The Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958 and Rules.
7. Child Labour (Prohibition and Regulation) Act, 1986.

In addition to the above Act, the **Inspectorate of factories** is also enforcing **Payment of Wages Act, Labour Welfare Fund Act, National and Festival Holidays Act, Payment of Subsistence Act, Contract Labour (Regulation and Abolition Act), Tamil Nadu Industrial Establishments (Conferment and Permanent status to Workmen) Act** and other labour related enactments. Inspectorate of Factories is playing a key role in implementing the important policies of the Government such as protecting the safety, health and welfare of the workers in registered factories. This department is enforcing the Factories Act, 1948 which has been discussed in detail in the earlier part of the chapter and 13 other labour enactments in the State to achieve the above policies. The administration and enforcement of various labour laws by the Inspectorate is under the overall charge of the Chief Inspector of Factories. **The Inspectorate of Factories administers 'A Major Accident Hazard Control Cell'** which was formed in the year 1998 recommends suitable safety measures to the managements of major Accident Hazard factories to prevent industrial disaster and monitors compliance of the suggestions given by this cell.[26]

Inspectorate of Factories

The Inspectorate of Factories plays a key role in protecting the safety, health and welfare of the workers in the organized factories. **This Department is enforcing the Factories Act, 1948 and 13 other Labour Enactments in the State.** The administration and enforcement of various Labour Laws by the Inspectorate is under the overall charge of the Chief Inspector of Factories.

This Inspectorate has been carrying out broadly the following two functions:

(i) Regulatory functions (Implementation of Acts);
(ii) Health, Safety, Training and Development functions.

(i) Regulatory Functions

The Factories Act, 1948 is a highly technical Act intended to secure the safety, health and welfare of the workers in organized factories. With the existing officers, all efforts are taken to ensure the benefits of Labour Laws to the workers employed in all sections of factories. Factories not engaged in dangerous operation and certified as small scale industries are inspected only once in a period of five years provided no complaints are received either from the workers or from the trade unions. **All Industries engaged in dangerous operations, though certified as Small Scale Industries, are however inspected once in a period of six months so as to ensure health and safety.**

Accidents

Because of constant efforts and ceaseless efforts put in by the officers of this Factory Inspectorate by way of increased safety promotional activities like conducting safety surveys and safety courses, the number of accidents have declined even though the numbered of registered factories and workers have increased when compared with the previous years. The details of the accidents during 2003, 2004, 2005 and upto 31-03-2006 are given below:

Table 3.1: Details of accidents during 2003,2004,2005,2006 registered in the Inspectorate of Factories

Year	No. of Factories	No. of Workers	Fatal	Non-Fatal
2003	34,071	12,56,120	35	1,908
2004	34,520	12,70,599	40	1,838
2005	36,867	13,20,613	50	1,545
Upto 31/3/2006	37,439	13,31,717	11	345

Source : Policy note on labour, factories, employment and training.

Hazardous Process Industries

As per Schedule – I to the Factories Act, 1948, 29 processes have been listed as hazardous process industries where in, if special care is not taken, the raw materials used there in are likely to cause material impairment to the safety and health of the persons engaged in or connected there with or result in the pollution of the general environment. These factories are inspected with greater concentration to ensure operational safety. Among these, in certain chemical factories, uncontrolled developments in the industrial activity carried on by them may cause serious dangers to workers employed in the factory and also to the people living nearby, in addition to the adverse effect on environment. Such units have been classified as Major Accident Hazard Units and Special Care is taken by this Inspectorate to ensure operational safety in these factories.

A major Accident Hazard Control Cell was formed in the year 1988 at Headquarters headed by the Additional Chief Inspector of Factories. This Cell recommends suitable safety measures to the managements of Major Accident Hazard Factories to prevent any industrial disaster and monitor the compliance of the suggestions given by this cell.

(ii) Health, Safety, Training and Development

A medical wing is functioning in this department to monitor the occupational health of the workers employed in chemical factories, which have potential health risks to the workers. These Medical Officers conduct health surveys at periodical intervals to monitor the health of the workers and suggest both clinical and other preventive measures for them.

An Industrial Hygiene Unit is functioning in this Department to monitor the environment in chemical industries for the presence of chemical pollutants like Ammonia, Chlorine, Sulphur-di-oxide, Hydrogen – Sulfide, etc. causing harm to the workers. It also assesses the clinical

manifestations of these chemicals on the health of the workers and suggests preventive measures. The effects of physical agents like noise, dust ventilation, etc. are studied by Industrial Hygiene Unit.

High noise level is a major problem in industries and the workers exposed to the noise pollution are susceptible to noise induced deafness and other Psychological disorders. To combat the problem of noise pollution, the Inspectorate of Factories is taking concerted efforts. To measure the noise level in the various plants of the factory, the Inspectors have been provided with sound level meters. The Inspectors are measuring the sound during their inspections to monitor the noise level in areas where workers are exposed to high noise level and are taking steps to safeguard the workers from exposure to high noise. [27]

Tamil Nadu Labour Welfare Board

In order to provide certain welfare facilities to the workers employed in factories and in various establishments, the **Tamil Nadu Labour Welfare Board was established in the year 1975** under the provisions of **Tamil Nadu Labour Welfare Fund Act, 1972.** The Tamil Nadu Labour Welfare Board is implementing various welfare schemes to the workers and their families. The Board is receiving contributions from the employers of the Factories, the Plantations, Motor Transport Undertakings and Shops and Establishments and Hotels. The employers of these establishments are contributing yearly Rs10/- per worker and the workers of these establishments are also contributing Rs.5/- per year. The Board is also receiving fine amounts imposed by the courts on the employers for the contravention of the Labour Acts. **The Government of Tamil Nadu has formed the Welfare Boards for the workers in the unorganized sector.** The Government has formed the following welfare boards for the workers in the Unorganized Sector.

1. Tamil Nadu Manual Workers Social Security and Welfare Board.
2. Tamil Nadu Auto Rickshaws and Taxi Drivers Social Security and Welfare Board.
3. Tamil Nadu Washer man Social Security and Welfare Board
4. Tamil Nadu Hair Dressers Social Security and Welfare Board
5. Tamil Nadu Tailoring Workers Social Security and Welfare Board
6. Tamil Nadu Palm Tree Workers Social Security and Welfare Board
7. Tamil Nadu Handicraft Workers Social Security and Welfare Board
8. **Tamil Nadu Footwear and Leather Goods Manufacturers and Tannery Workers Social Security and Welfare Board**
9. Tamil Nadu Artists Social Security and Welfare Board
10. Tamil Nadu Handlooms and Handlooms Silk Weaving Workers Social Security and Welfare Board[28]

Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 – Tamil Nadu Footwear and Leather Goods Manufacturers and Tannery Workers Social Security and Welfare Scheme, 2006

In exercise of the powers conferred by Section 4 read with Section 3 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982) and in Supersession of the Labour and Employment Notification No11(2)/LE/266(d-1)/2001, published at pages 1-17 of Part II-section 2 of the Tamil Nadu Government Gazette, Extraordinary Dated the 28th February 2001, the Governor of Tamil Nadu had made the following scheme for the scheduled employment under the said Act, in items 12 and 30. This scheme is called the Tamil Nadu Footwear and Leather Goods Manufactory and Tannery Workers Social Security and Welfare Scheme,

2006. It extends to the whole of the State of Tamil Nadu. It applies to all manual workers engaged in Footwear, Leather Goods Manufactory, Tanneries and Leather Manufactory. It came in to force on the 1st September 2006. In this scheme **'Act'** means the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982); and **'Board'** means the Tamil Nadu Footwear and Leather Goods Manufactory and Tannery Workers Welfare Board established under section 6 of the Act. The form for registration in the board is given in Appendix 3.3.

Composition of the Board

1) Secretary of the Board :

i) The Chief Executive Officer of the Board shall be the Secretary to the Board.

ii) The Secretary shall, with the approval of the chairman of the Board issue notices to convene meetings of the Board and keep the record of the minutes and shall take necessary steps for carrying out the decisions of the Board.

2) Appointment of Chief Executive Officer and other officers and staff

i) The government may appoint an officer of the Labour Department not below the rank of Labour Officer as the Chief Executive Officer of the Board.

ii) The Government may appoint a Chief Accounts Officer in the cadre of Under Secretary, Finance Department or an Accounts Officer from the Treasuries and accounts department on foreign service terms and conditions.

iii) The Government may also appoint as many officers as may be necessary on deputation from the Labour Department or from any other Departments or Undertakings or Corporations or Boards of the

State Government or by direct recruitment as executive officers for the purpose of implementation of the scheme.

iv) The Government may also appoint as many inspectors and staff as may be necessary on deputation from labour Department or from any other Departments or Undertakings or Corporations or Boards of the State Government or by direct recruitment for the purpose of implementation of the scheme.

3) **Chief Executive Officer of the Board, etc., to be public servants –**

The Chief Executive Officer and other officers and staff of the Board appointed under this scheme shall be deemed to be public servants within the measuring of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860)

Powers, duties and functions of the Board

1) **Subject to the other provisions of the Act, the Board may take such measures, as it may consider necessary for implementing the scheme.**

2) **The Board shall**

a) Maintain and administer the **"Tamil Nadu Footwear and Leather Goods Manufactory and Tannery Workers Social Security and Welfare Fund"** and collect the contributions towards that Fund;

b) Subject to the provisions of the scheme, any property vested with the Board shall be held and utilized by it only for the purpose of the scheme;

c) Have the authority to spend such sum, as it thinks for the purposes of the scheme from out of the fund;

d) Keep proper accounts for all receipts and expenses under the scheme;

e) Submit annual budget to the government for sanction;

f) Submit annual report to the Government on the working of the scheme as laid down under sub section (5) of Section 8 of the Act;

g) Submit to the government copies of all proceedings of the meetings of the board;

h) Make all arrangements necessary for the annual audit of accounts of the Board in accordance with the instructions issued by the Government;

i) Furnish information to government on such matters as the government may refer to it from time to time.

Assistance rendered by Tamil Nadu Footwear and Leather Goods Manufacturers and Tannery Workers Social Security and Welfare Board through the Scheme

1) **Personal Accident Relief** – All registered manual workers when met with the accident are eligible for Personal Accident relief. The accident intimation form and the claim form for accident is given in Appendix 3. 4 & 3.5.

2) **Pension Scheme – Eligibility** – Every registered manual worker who hascompleted 60 years of age is eligible for pension, if he has continued as such worker for a continuous period of not less than five years. Provided that a manual worker who has not completed 60 years of age but registered with the Board for a continuous period of five years is also eligible for pension if he becomes disabled due to sickness and incapacitated from normal work. The application for pension is given in Appendix 3.6.

3) **Assistance to Meet the Funeral Expenses of a Registered Manual Worker** – If a registered manual worker dies, the secretary or any other officer authorized in this behalf by the Board, shall sanction a sum of Rs.2,000 to the nominee of the deceased registered manual worker to

meet the funeral expenses of the deceased registered manual worker. The application for grant of funeral expenses is given in Appendix 3.7.

4) **Assistance on the Natural Death of a Registered Manual Worker** – If the registered manual worker dies naturally, the secretary or any other officer authorized in this behalf by the board, shall pay a sum of Rs.15,000/- to the nominee of the deceased registered manual worker.

5) **Assistance for Education** - Based on the educational level of the son or daughter of registered manual worker, the secretary or any other officer authorized will sanction the amount for educational assistance. The application for educational assistance is given in Appendix 3.8.

6) **Assistance for Marriage** - The Secretary or any other officer authorized in this behalf by the board, shall on an application from a registered manual worker, assistance to meet the marriage expenses of the applicant or his son or daughter. Assistance for delivery or the miscarriage of pregnancy or the termination of pregnancy by registered female manual worker.

a) Delivery – Rs 6,000/- @ Rs.1000/- per month for six months
b) Miscarriage – Rs 3,000/-
c) Termination – Rs 3,000/-

7) **Assistance for purchase of spectacles by a registered manual worker:**

The Secretary or any other officer authorized in this behalf by the Board, shall on an application in Form XV from a registered manual worker, sanction a sum not exceeding Rs500/- as an assistance towards reimbursement of cost of spectacles.[29] The full list of schemes assisted by the board is given in Appendix 3.9.

ENFORCEMENT AGENCIES WORKING FOR THE PROTECTION OF HUMAN RIGHTS

NATIONAL HUMAN RIGHTS COMMISSION

Due to growing concern in the country and abroad, having regard to the changing social realities and emerging trends in the nature of crime and violence, to bring greater accountability and transparency in the administration of justice, the Government of India in 1993 passed the Protection of Human Rights Act, 1993, provide for setting up of National Human Rights Commission and State Human Rights Commissions.

Meaning of Human Rights under the Act

Section 2(d) of Protection of Human Rights Act (henceforth called Act) defines Human Rights as "It means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants and enforceable by courts in India".[30]

Composition and Constitution of National Human Rights Commission under the Protection of Human Rights Act (1993)

Section 3 of the Act deals with the composition and constitution of NHRC. It provides

(1) The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the power conferred upon, and to perform the functions assigned to it under this Act.

(2) **The Commission shall consist of –**

A Chairperson who has been a chief justice of the Supreme Court

(a) One member who is, or, has been, a Judge of the Supreme Court.

(b) One member who is, or has been, Chief Justice of High Court.

(c) Two members to be appointed from amongst persons having knowledge, or practical experience in matters relating to Human Rights.

(d) Chairpersons of National Commission for Minorities, the National Commission for women shall be deemed to be members of the Commission for the discharge of functions specified in clause (f).

(e) There shall be a Secretary General who shall be the chief executive officer of the commission and shall exercise such powers and discharge such functions of the Commission as it may delegate to him.[31]

Functions and Powers of the Commission

Section 12 of the Act enumerates the functions and powers of the commission as follows

(a) Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, in to complaint of

(i) Violation of Human Rights or abetment thereof, or

(ii) Negligence in the prevention of such violation, by a public servant;

(b) Intervene in any proceeding involving any allegation of violation of Human Rights pending before a court with the approval of such court;

(c) Visit, under intimation to the State Government, any jail or any other institutions under the control of the State Government, where persons are detained or lodged for purpose of treatment, reformation or protection, to study the living conditions of the inmates and make recommendations thereon;

(d) Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of Human Rights and recommend measures for their effective implementation;

(e) Review the factors, including acts of terrorism, that inhibit the enjoyment of Human Rights and recommend appropriate remedial measures;

(f) Study treaties and other international instruments on Human Rights and make recommendations for their effective implementation;

(g) Undertake and promote research in the field of Human Rights;

(h) Spread Human Rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

(i) Encourage the efforts of non-governmental organizations and institutions working in the field of Human Rights; and

(j) Such other functions as it may consider necessary for the protection of Human Rights[32].

The NHRC since its inception in 1993, has recognized the principle of compensation and has provided monetary relief to a large number of cases. As the researcher has chosen workers Human Rights for the study purpose, a case has been cited related to workers, reported in the Reports of NHRC as follows;

Victims in Cases of Industrial Hazards, U.P.

Eight workers lost lives because of accident occurred due to explosion caused by leakage of an inflammable chemical, hexane. Petitioner alleged accident due to neglect of safety conditions. With intervention of Commission, an immediate relief of Rs.5000/- was paid to victims, apart from compensation by the state.[33]

STATE HUMAN RIGHTS COMMISSION

The Protection of Human Rights Act (1993) also provides for the establishment of State Human Rights Commission and the Human Rights Court in every district for the speedy trial of offences arising out of violation of Human Rights. The Chairperson and the members of the Commission are appointed by the Governor, recommended by a committee of members consisting of the Chief Minister as its head, the Speaker of the Legislative Assembly, Minister in charge of the Department of Home of that state and the leader of opposition in the Legislative Assembly. The term of office for the Chairperson and its member is 5 years. The powers and functions of the commission are similar to that of NHRC. [34]

State Human Rights Commission – Tamil Nadu

Complaints before the Commission

Table 3.2 : Subject – Wise classification of Incidents leading to Complaints / Suo Mottu Action (Appendix 3.1)

Code No.	Major Head	Sub. Code No.	Sub Head
500	Labour	500.01	Bonded Labour
		500.02	Exploitation of Labour
		500.03	Forced Labour
		500.05	Slavery
		500.06	Traffic in Human Labour

Source : State Human Rights Commission – Tamil Nadu, Chennai.

During the year 2003-2004, the SHRC received around 11,190 cases out of which 8,947 cases were disposed and 2,243 were in the status of pending disposal as on 31.03.2004. In the year 2006-2007, the total number of cases pending at the beginning as on 1.4.2006 was 1818, on top of that the SHRC received 7515 up to 31.03.2007, out of which 2509 cases were disposed and

4701 cases were rejected/lodged. The total number of cases of pending as on 31.03.2007 was 2123[35]. The scrutiny report of the compliant lodged by the victim is given in Appendix 3.2.

To conclude this chapter the researcher has traced the history of Human Rights in India during the Ancient, Medieval, British and since Independence. The researcher has also discussed the important labour legislations in order to analyse the relevance of these to tannery workers and their applicability. This chapter has also focused on the functioning of the labour department at the State level and emphasizes the role of Tamil Nadu Labour Welfare Board with special reference to the Tamil Nadu Footwear and Leather Goods Manufacturers and Tannery Workers Social Security and Welfare Board. It has also mentioned about the role of enforcement agencies namely the National and State Human Rights Commission in protection and promotion of Human Rights.

REFERENCES

1. Rathin Bandyopadhyay, ***"Human Rights of the Non-Citizen"***, Deep and Deep Publications Private Limited, New Delhi, 2007, p.177.
2. Joshi S.C., ***"Human Rights Concepts, Issues and Laws"***, Akansha Publishing House, New Delhi, 2006, p.52.
3. Suresh Kumar Soni, ***"Human Rights – Concepts, Issues, Emerging Problems"***, Regal Publications, New Delhi,2007, p.104
4. Aftab Alam, ***"Human Rights in India: Issues and Challenges"***, Raj Publications, New Delhi, 2000, p.19.
5. Laxmikanth M., ***"Indian Polity"***, Tata McGraw Hill Publishing Company Limited, New Delhi, 2004, p.14.
6. Mishra A.K., ***"Indian Polity"***, Tata McGraw Hill Publishing, New Delhi, 2004, p.281.
7. Goswami V.G., ***"Labour and Industrial Laws"***, Central Law Agency, Allahabad, 2004, p.25.
8. Laxmikanth M., ***"Indian Polity"***, Tata McGraw Hill Publishing, New Delhi, 2004, p.15.
9. Bhakshi P.M., ***"Constitution of India"***, Universal Law Publishing Company Private Limited, 2005, p.84.
10. ***Ibid., p. 86.***
11. Research, Reference and training Division, ***"India 2008 – A Reference Annual"***, Publications Division, ministry of Information and Broadcasting, Government of India, New Delhi, 2007, p.621.
12. ***Ibid., p. 609.***
13. Vincent Arputhom A., ***"Labour and Industrial Laws"***, Southern Publishers, Chennai, 2006, p.74.

14. Research, Reference and training Division, ***"India 2008 – A Reference Annual"***, Publications Division, Ministry of Information and Broadcasting, Government of India, New Delhi, 2007, p.614.

15. ***G.O. No.1476-77, Devt. (Mis), 23 October, 1935.***

16. Notification by the Government of Madras on 4the February 1942, Ref: Fort St.George Gazette, February 10, 1942, Part I, pp. 167-68 in Labour Legislation in India.

17. Vincent Arputhom A., ***"Labour and Industrial Laws"***, Southern Publishers, Chennai, 2006, p.19.

18. ***Ibid., pp. 22-26.***

19. Srinivasan S., ***"The Factories Act, 1948 (63 0f 1948) With Tamil Nadu Factories Rules 1950"***, Madras Book Agency, 2005, p.379.

20. ***Subs. by G.O. Ms. No. 1069, dated 29th October 1974.***

21. Srinivasan S., ***"The Factories Act, 1948 (63 0f 1948) With Tamil Nadu Factories Rules 1950"***, Madras Book Agency, 2005, p.380.

22. ***Subs. by G.O. Ms. No. 1069, dated 29th October 1974.***

23. Srinivasan S., ***"The Factories Act, 1948 (63 0f 1948) With Tamil Nadu Factories Rules 1950"***, Madras Book Agency, 2005, p.381.

24. ***Subs. vide G.O.Ms.No.2223, Labour and Employment, dated the 6th October, 1988.***

25. ***Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector,*** National Commission for Enterprises in the Unorganized Sector, Government of India, Academic Foundation, New Delhi, 2008, pp.324-327.

26. ***Policy Note on Labour, Factories, Employment and Training,*** Labour and Employment Department, Demand No.31, Tamil Nadu, 2004, pp.31-33.

27. *Ibid., pp.29-33.*

28. ***http://www.fn.gov.in/policy notes/labour_employment.htm.***

29. From the Commissioner of Labour Letter No Z3/32766/06 dated 17/6/2006 G.O.Ms.No.73, Labour and Employment Department dated 1/9/2006.

30. Lohit D. Naikar, ***"The Law Relating to Human Rights",*** Puliani and Puliani Publications, Bangalore, 2004, p.674.

31. Nirmala Jeyaraj, ***"Human Rights and Duties",*** Raj Publishers, Madurai, 1998, p.55.

32. ***nhrc.nic.in/nhrc.asp***

33. Lohit D. Naikar, ***"The Law Relating to Human Rights",*** Puliani and Puliani Publications, Bangalore, 2004, p.683.

34. Laxmikanth M., ***"Indian Polity",*** Tata McGraw Hill Publishing Company Limited, New Delhi, 2004, p.338.

35. ***State Human Rights Commission –Tamil Nadu, Annual Report 2006-2007,*** SHRC, Tamil Nadu, p.3.

Chapter - 4

Evolution and Growth of Leather Tanneries in India

CHAPTER IV

EVOLUTION AND GROWTH OF LEATHER TANNERIES IN INDIA

EVOLUTION OF LEATHER

The use of Leather may be dated back to Ice Age. Human beings, in primitive age, used to protect themselves against cold, storm, rain and snow with hides and skins. Archaeologists have clear evidence of animal skins used for clothing during Ice age. Primitive men faced difficulty in using dried up skins, when they became hard and horny; more-over, putrefaction started before they dried up. They found a way out and discovered that if the fats and brains of the animals were rubbed on the skins, they used to dry out soft due to the impregnation of fat in the skin which would last for a long time without decaying. They found out ways to protect their feet as well. **They used to cover their feet and ankle by tying the neck of the bag like shape made from skin, thus protecting the foot from rough surface, stone chips, thorns etc., by the so called footwear, which was possibly the origin of footwear.**

Smeared fat and grease on hides and skins alone did not make them enough soft and pliable. People in those days noticed that smoked hides and skins by wood smoke gave a better result. Red Indians in America used to convert the skins into leather by this method. Even today in China the art is not lost. In Ramayana and Mahabharata we find mentions of the use of leather. Use of articles from leather drum, shields, armour vests, shoes, sadleries, covering chariots in war with leather, bow string etc., has been narrated in these two great Epics. **Mention about the use of leather has also been made in Vedas. Lord Mahadeva is known as Kirtibasa because he wore a tiger skin (Kirti). Even the wine known as 'Shomerash' was kept in a leather container. In Bible also, we come across references of use of hides and skins. Art of**

leather making was known to Hindus in ancient time before the Greek and Roman Civilization.[1]

With the passage of time from primitive stage, people got used to the utility of leather in various ways. Nomads found out that water when kept in leather bag remained fresh and cool for long. Tents, carpets and armours were made of leather. **Leather was used by ancient Egyptians, Sumerians and countries in central Asia, Greeks, Romans and in the east by the Chinese.**

Like so many discoveries in the world, conversion of hides and skins into leather by vegetable tanning took place by accident when it was noticed that hides, thrown in to pond, in which leaves, pods, barks etc., remaining for some time, when turned into leather and there was no putrefaction. This discovery of vegetable tanning was the turning point and the art spread to various parts of the world. **Articles such as bags, cushions, rope, dagger, sheath, flooring of chariot, sandals etc., made by vegetable tanning were found and recovered from Egyptian tombs. During 4000 to 2000B.C Alum tanning was also known.**

Ancient Greeks and Romans were efficient in making different design of sandals, shoes and books. Many references are found in ancient literature of different countries regarding the antiquity of leather. Parchment leather made from sheep skin, washed, shaved, skillfully cleaned, stretched and dried to prevent it from decay was used for writing during middle age by the monks. All the books were written by the monks with illustrations of parchment leather when paper and printing were not known to men.[2]

THE DISCOVERY AND DEVELOPMENT OF TANNING

The art of tanning, like many important discoveries, was probably stumbled upon by accident. Certain types of wood, bark, roots, leaves, fruit and seed pots contain a high proportion of tannin – a natural substance which converts raw hides in to true, durable leather. Perhaps an

animal skin had been left lying in a puddle with leaves and bark rich in tannins. Over a period of time the color and texture would have altered as it changed in to leather or tanning could have been accidently discovered when skins were decorated with dyes made from berries, nuts or bark which contain tannin.

As centuries passed people in many parts of the world discovered the art of tanning. In England and Europe the bark of oak trees, hemlock and chestnut wood were used. **The Indian tribes of South America used the wood from the quebracho tree and bark from mangrove trees.** The Japanese produced beautifully soft white leather made with rape seed oil and the Chinese used mud and alum – a type of mineral salt. **The use of alum for tanning became quite wide spread during the middle Ages and the process was known as 'tawing'.**[3]

Tanners experimented, through the centuries, with many different substances. They discovered that by altering the strength and ingredients of the tanning liquor, various types of leather could be produced. Many of the tanning agents that were in use thousands of years ago are still used in modern tanneries to produce certain type of leather today. **As the tanners skill developed, so too did other aspects of leather manufacture. They discovered that soaking hides and skins in lime water made it easier to scrape off the hair and flesh. Tools for cutting, dehairing and splitting the skins were improved and new methods of dyeing and softening leather were discovered.**[4]

TANNING PROCESS

The prime purpose of tanning is to prepare raw skins and hides for use as footwear, garments, upholstery industrial components, bags and other articles of everyday use. As it is well known, skins are derived from small animals like sheep, goat, rabbit and reptile such as snakes, while hides are obtained from buffaloes, cattle as well as crocodile, whose hide is very tough.

Tanning was a family enterprise in the distant past and in India, who were also involved in the meat business on a small scale. Times have now changed and there are many numbers of entrepreneurs without distinction of caste or creed who are whole-heartedly devoted to the leather industry.

The raw materials in India for tanning leather are generally municipal abattoir, supplemented by fallen cattle which are naturally separated and left unslaughtered. **In abattoirs the hides of cattle, buffalo and skins of other animal, sheep, and goat are flayed after the slaughter.** Expert skinners, who are available in slaughter yards, remove the hides and skins, without any damage, such that whole sale purchase of raw hides and skins take place in the premises itself and taken to tannery. Here the immediate concern is to dehair and deflesh hides and skins which are carried out, through simple processes, without involving mechanization on large scale. **Flaying leads to putrefaction and hence the normal practice is to apply preservation and from primitive times, sodium chloride (the common salt) is used to retard the onset of putrefaction.** Flayed skin have traces of blood, adhering flesh, lymph and other organic matter which harbour microbes and degrade the hides and skins almost overnight. Besides, trace elements of sodium, potassium, calcium, magnesium and phosphorous are present as mineral salts in the form of chlorides, sulphates, carbonates and phosphates. **To overcome the deleterious effect of these composite items, a process such as curing is adopted. Curing will not only preserve the raw material but would also prevent chemical interaction that may retard the subsequent leather processing. Hides and skins collected from the various sources are brought into tanneries and trimmed for compact sizing.** Between fifty and hundred pieces are hence sent to the lime yard, where they are soaked in water, to wash out dirt and salt, after which the skins and hides are placed in paddle drums with lime and sulphide solution and rotated several times. The hair comes off in the process and is washed away. **A defleshing machine, then scraps off fat and then put into rotating grounds and steamed in hot water for some time. There after they**

are passed though a shearing machine, which maintains uniform thickness while extra thick pieces are split on another machine for this purpose. The hides and skins are now ready for bathing. This is a process of putting skins or hides in puddle drums and rotating in a solution of pancreol, derived from pancreas of animals for neutralizing lime sulphide solution and preparing hides or skins for tanning.[5]

The actual process of tanning involves imparting into the skins and hides the ingredient of tanning, variously obtained from vegetable and chemical sources. In the conversion of skins and hides (which are the outer conversion of animals, as in all living beings, containing the organic matter of which life depends and providing thermostatic control of the system) into pliable products devoid of putrefying tendencies. **Tanning constitutes the most important process for which prior processes of dehairing, defleshing, liming, pickling and deliming are all preparatory steps. In certain processing, collagen the fibrous protein cartilage covering animals is conditioned to absorb and retain the tanning agents** and subsequently to react with dyes and pigments and finally finish with casein or resins.

Leather is therefore tanned collagen, which retains its characteristic features, such as grain break, temper, roundness, smooth grain surface, prominent hair cells, drape and glow of garment leather and compactness in sole leather, which cannot be expected in untreated collagen. Tanning imparts qualities of resistance to fungal growth, bacterial infection, besides enzyme reactions and acid alkali penetration. Ultimately tanning, which involves a variety of process for converting organic collagen into an entire range of durable leather, hard and soft material as well as pliable products such as leather 'garment fabrics, adopts tried and tested methods to achieve its results. **Broadly, tanning processes are now based on vegetable extract or chemicals, yielding the desired variety for subsequent production.**[6]

THE DEVELOPMENT OF LEATHER INDUSTRY IN INDIA

Though Indian leather industry is as old as history itself, it began to develop in its modern form only after the outbreak of World War I when demand for leather and leather goods increased considerably. In 1913 – 14 there were only 25 large establishments employing 2,753 workers, but by 1941the number of workers increased to 20,056. **The development of the industry falls in to five periods. The first period – prior to the outbreak of World War I in 1914, the second period – World War I 1914 – 1918, The third period – inter war period 1919 -1939, The fourth period – World War II 1939 – 45, The fifth period since Independence.**

First Period – Prior To World War I

The leather industry was in a flourishing condition even in ancient times which is evident from the frequent references to it in the Vedic Literature. The leather articles produced in India were highly appreciated by many foreign travelers such as Marco Polo who visited the country many centuries ago. **The industry was mainly in the hands of Village Chamars.** The intelligentsia of the country does not appear to have taken any interest in its promotion, and considering the illiteracy and the poverty of the village chamars, who have been mainly responsible for the development of the industry, progress achieved is really remarkable. It is not possible, however to trace the growth of the industry from its very stages as very little information is available.

The export of tanned hides and skins began more than a century ago. **At first its development was slow, but later on it became rapid as a result of the repeal in 1875 of the export duty of 3 percent on tanned hides and skins, the establishment of public auctions in London and the development of railway in the South.** Most of the exports were from the province of Madras which had the advantage of the availability of cheap supplies of

suitable tanning materials and skilled labour more than any other province or state in India. **Of the 22 large tanneries in India as many as 17 were in Madras. The remaining were in Bengal, Bihar, Orissa and Bombay.**

Though the exports of tanned hides and skins were substantial in 1913-14 they constituted only a third of the total exports in hides and skins, raw as well as tanned. Further, the exports of finished leather and leather goods were very negligible, while large quantities of leather and leather goods of more than a crore of rupees worth were imported in to India. This was mainly due to the fact that finishing of leather and its manufacturers was in primitive stage in India, while there was a revolutionary advance in Western Countries by the application of scientific research in the processes of finishing.

The credit for the introduction of the western methods of tanning into India should be given to the British Government, who, pressed by the necessity of obtaining suitable types of leather for army accoutrements, started experimental tanneries in Madras and Bangalore in the year 1857 and ten years later a harness and saddlery factory at Cawnpore under the supervision of military authorities was established. **The first private organization to start a modern tannery in India was Cooper Allen and Co., a non Indian concern whose factory was started at Cawnpore in 1881.** It was followed by a few tanneries in the same city under Indian enterprises, and a few years later by some in Bombay and Agra. **The process employed in these tanneries was vegetable tanning; Chrome tanning was introduced into India only in the early part of twentieth century, though it was started on a business scale in America and Europe as early as 1890. The first Chrome Tannery was established by the Madras Government in 1908 near Madras,** but it was closed in 1911 as the Government was criticized for encroaching upon the field of private enterprise. Chrome tanning however, was found to be so successful that a number of young men who had received training at the Madras Government factory started their own tanneries in the

different parts of the country. **Thus when World War I broke out in 1914, there were already a few chrome tanneries working on a sound basis in Madras, Calcutta, Bangalore and Cuttack.** But the progress achieved was slow and not commensurate with India's requirements and potentialities. **The industrial commission who examined the position in 1917** said in their report that the progress was **"much slower than it is reasonable to anticipants would have been the case had the government assistance in pioneering the industry been given for a longer period"[7].**

One of the obstacles which retarded the development of the industry was the shortage of suitable raw materials as a result of the organized collection of good quality raw hides and skins by foreigners for export. **More than 115 Lakh pieces of hides valued at nearly 7 Crores of rupees and 350 Lakh pieces of skins worth Rs.3 ½ Crores were sent out of the country.** About 56 percent of the total export of cattle balance to the other European countries and U.S.A., while 80 percent of the goat skins exported went to U.S.A. Little was therefore left for utilization within the country.

Second Period – World War (1914-1918)

World War I which broke out in 1914 gave an impetus to the development of leather industry in India by eliminating the German exporting firms and curtailing the exports of raw hides and skins to Europe and America. As foreign markets were cut off, imports of leather and leather goods into India decreased considerably, and the Indian tanners were thus enabled not only to get a large supply of raw materials but also to have a large local demand which was further augmented by heavy military requirements. **In the first year of the War, the importance of Indian tanned hide for use in military stores was not realized, but as war progressed it was found that the south Indian Avaram tanned hide was an excellent material for the uppers of army boots. Hence the government of India assumed complete control of the trade in 1916, and took up the entire**

production form that year onwards. As a result of the elimination of foreign competition and the encouragement given by Government of India, the leather industry prospered and those, who were supplying military requirements for boots profited enormously. **The Chrome Leather was not required for military purposes, but its production also increased considerably,** because of the large local demand for civilian footwear from India and the countries bordering the Indian Ocean which had to rely mainly on India for their supplies as a result of stoppage of imports from Europe and America. **Some of the Chrome tanneries started new lines of production such as picking bands, leather belting etc., which were used by several jute and cotton mills in the country.**[8]

Third Period: Inter War Period (1919 – 1939)

The prosperity of the industry, however, was only of a temporary nature and with the cessation of hostilities, the favorable situation disappeared. The abnormal demands ceased and the former difficulties once again began to confront the industry. **Due to increased foreign competition, India found it difficult to maintain the foothold which she had obtained in the neighboring countries during the war period.**

Further complication was introduced when the British tanners began to agitate for Imperial preference to prevent Germans from recapturing the Indian market. The value of the East India kips was realized by the British tanners and the **Imperial Institute,** who conducted an enquiry into Indian trade in hides and skins, said in their report: **These Indian kips represent an imperial asset of very considerable value, and arrangements should be made which will ensure that the kips are converted into leather, within the Empire, thereby making an important contribution to Imperial industry and trade, instead of being exported through German firms in India in a raw state for manufacture in foreign countries. It is submitted that the Imperial interests demand that the trade in Imperial kips and**

their conversion into leather should be in future securely placed in the hands of British firms. There is no doubt that in the past these Indian kips have been of the utmost military value to Germany and Austria, when they were largely utilized for making the uppers of army boots.

As a result of strong agitation by British tanners, supported by the enquiry mentioned above, **a duty of 15 percent was imposed in 1919 on all hides and skins exported from India, but those intended to be tanned within the British Empire got a rebate of ten percent.** As the main object of the preferential duty was only to help the British tanners, the protective measure did not benefit the indigenous industry to any appreciable extent. **As a matter of fact, the export of raw as well as tanned hides declined during the period and the preferential duty had to be removed in 1923.** It was contended that stocks began to accumulate in India as England could not absorb the entire exportable surplus. **The preferential duty on hides was aptly characterized by the Fiscal commission as wrong in principle and dangerous in consequence.** With its repeal, exports once again revived. **But after 1928-29 they began to decline again.** The decline was due to the increased consumption of hide and skins in India itself for making leather and leather goods. Reliable figures of production are not available as they are not being collected and published by the Government. **But it is known that apart from expansion in the existing lines of production India developed new lines such as glace kid and fancy goods.**

The production of leather and shoes was concentrated in Bengal and Uttar Pradesh, the former province showing an increase in the number of workers while the later one a decrease both in the number of factories and workers. **Madras had no more any sole monopoly of the tanning industry. Uttar Pradesh had almost equaled it in the number of workers and the industry was fast expanding in Bombay also.** The number of factories in the States was declining except in the case of Mysore which shows remarkable

increase in the number of bark tanneries which are being included under the miscellaneous group as they are not worked by mechanical processes. **In 1923 States had 34 works while in 1939 there were only 33 establishments. Though a number of new factories sprang up all over India during the Inter War Period, it has to be noted that an appreciable number of them, with an aggregate capital of more than a crore of rupees, had to go into liquidation.** This was mainly due to their lack of experience, mismanagement, financial difficulties, and unsuitable location of factories and over estimation of the markets for their commodities. The local demand was still not high, and foreign markets had begun to shrink gradually as they had resumed trade with Germany.

India gradually developed during this period an export trade in unwrought leather and in leather goods such as boots and shoes, leather belting saddlery and hardness, bags trunks and traveling requisites. **In 1919 the total value of exports in these lines was less than one lakh of rupees, but by 1938-39 it was more than 600 lakhs of rupees.** The expansion was particularly striking in leather unwrought and in the group bags, trunks and traveling requisites. **The trade in leather unwrought was mainly with the U.K. while that in leather goods was with Ceylon, Kenya Colony, Union of South Africa and Burma.**

Though there was some expansion of the industry during the period, the overall position was still unsatisfactory. **Large quantities of hides and skins valued at about four crores of rupees were exported in a raw state. Again, about Rs. 5 crores worth of tanned hides and skins were sent out of the country instead of being retained for further processing and subsequent export abroad in the form finished leather and leather goods.** It is needless to point out this was a great dissipation of the country's valuable economic asset which deprived India of a large income which otherwise would have accrued to her. It is sad to reflect that in spite of being the largest producer of

hides and skins in the world, India was not meeting even its own requirements of leather goods and was a net importer in them rather than an exporter. **India was importing on average Rs.63 lakhs worth of goods, while her exports in them were only about Rs.14lakhs.** The increasing industrialization of the country had created a large demand for industrial leather goods. As the indigenous production was very small and the quality was not high, the country's requirements were met mostly from abroad, particularly from the U.K. **In the year 1938-39 the value of India's annual imports of industrial leather goods alone amounted to as much as Rs.46.4 lakhs.**[9]

Fourth Period World War II

The outbreak of World War II gave a great impetus to the development of the leather industry in India. **To meet the demands of war services alone the production of military footwear increased from 3.6 million pairs in 1939 to the peak level of 6.6 million pairs in 1943.** The out put of harness and saddlery also had a colossal increase amounting to nearly six times the pre-war volume of production. Besides India began to produce large quantities of industrial leathers the quality of which was approved by railway workshops and mills in the country. Production of fancy leather goods and utility articles also had a considerable increase partly because of the presence of the foreign troops in India who bought and sent them a presents to their relations abroad and partly because of the increased purchase by all and sundry commercial organizations for supplying them as presents of their customers.

A study of the pre-war and war-time trade figures shows that the exports of all types of leather goods except harness and saddlery increased during the war. India developed her exports particularly to the U.S.A., Union of South Africa, Iraq, Ceylon and Kenya Colony. In the case of imports, industrial leather goods show a considerable increase in value but this was mainly due to their inflated prices rather than to any appreciable increase in volume. **Imports from the U.K. and the U.S.A increased particularly**

because of larger imports of picking bands and straps in the case of former, and of leather belting in the case of the latter.

As a result of unprecedented stimulus given by the two World Wars, the leather industry has become a front rank industry in India. It is learnt that more than 200,000 workers are employed in the organized part of the industry alone besides the innumerable cobblers working on a cottage industry scale spread widely all over the country. The development of the industry is no doubt appreciable but its full progress has been thwarted due to lack of government assistance, technical personnel, chemicals, tanning materials and transport facilities. Further in most case production has been haphazard, uneconomic and no properly organized. **The question of most of them will depend mostly on the measures taken to put this vital industry a sound basis.**[10]

Leather Industry in India since Independence

Until independence, the Indian tanning and leather manufacturing industry remained in the cottage and small-scale sector. **The British were interested in getting regular supplies of raw hides and semi-tanned leather for the manufacture of leather products in the UK. During the 1950s and 1960s, the government's policies helped in the establishment of tanneries in the small-scale sector.**

In the 1970s, the external environment favoured the growth of the leather industry in India. Rising real wages and public concerns about the environmental damage in western countries such as the USA, UK, France, and Germany resulted in a gradual shift of the tanning industry to low wage and less pollution-conscious countries such as Spain, Portugal, Turkey, South Africa, and South East Asia. Chrome tanning process, basic chemicals, tanning auxiliaries, and leather finishing materials were also available in India. **The only incentive scheme available to the exporters was**

the import replenishment license introduced in 1966 to provide materials required in the manufacture of export items. In order to exploit India's comparative advantage in leather and leather products, which arise from its large raw material base, long experience in leather tanning and manufacturing, and cheap labour, the need for changes in industrial and trade policies was felt.

A milestone in the development of the Indian leather industry was the constitution of the Seetharamaiah Committee by the Government of India (1972). The Committee made four important recommendations a) ban on export of raw hides and skins, (b) quota restriction on export of semi-finished leather, (c) an increase in finished leather manufacturing, and (d) a comprehensive scheme of incentives for boosting exports of finished leather and leather products. The rationale for (a) and (b) was to create value additions, which would accrue to the factors of production. **The government accepted these recommendations in 1973.**

The compound annual growth rate of total leather exports was only 5.5 percent during 1951-52 to 1971-72; it increased to 15 percent during 1972-73 to 1981-81 and further to 19 percent during 1981-82 to 1991-92. The 1990s witnessed important changes, both in the domestic and external environments, requiring policy responses from the Government of India as well as from the leather industry. **At the domestic front, the Government of India initiated the New Economic Policy in June 1991.** Domestic concerns about environmental pollution from tanneries culminating in public interest litigation resulted in the **Supreme court order of closure/relocation of tanneries not complying with the provisions of the water (Prevention and control of Pollution) Act of 1974.**

On the external front, a new trading regime with World Trade Organization (WTO) as a global institution came into being on 1 January 1995. India, as a Member of the WTO, has an obligation to conform to its commitments on the trade policy. Environmental considerations were brought

into the world trade agenda. **Developed countries, particularly the United States of America and members of the European Union, tightened the environmental requirements on imports of goods of polluting industries such as leather. Also, India had to face keen competition from China, HongKong, Thailand, and other countries in Asia in the world leather export markets.** These change necessitated changes in the industrial and trade policies of India in the 1990s. Liberalization and opening up of the industrial sector were attempted at a slow pace.[11]

The growth of leather industry in India has been spectacular. The table given below provides data on growth of the industry in the past three decades

Table 4.1: Growth of Leather Industry in India since 1970

(Value in Million Rupees)

Item	1972	1992	1998	2001
Value of production	3,000	59,570	110,560	160,000
Export	1,830	32,170	69,560	92,120
Domestic Consumption	1,170	27,400	41,000	67,880

Source : Council for Leather Exports.

The Export – Import policy for the period 1997-2002 aimed at accelerating India's exports through restructuring and revamping of various export promotion schemes and simplifying procedures so as to make them transparent easy to administer. The Ministry of Commerce identified leather and leather products as one of the eleven specific products for export promotion. **The Foreign Trade Policy 2004-09, announced on 31 August 2004,** is built around two major objectives, namely, to double India's percentage share of global merchandise trade within the next five years; and to act as an effective instrument of economic growth by giving a thrust to employment generation.[12]

Leather Sector Projected To Grow

The Indian government has projected a cumulative average growth rate in the leather industry of 13.47% for the period 2006-2011. Based on the current trends in international trade under the WTO regime, and the Indian industry's potential, the development schemes that have been proposed are in the pipeline, it is envisaged that India's total leather exports could reach a target of $5.08 billion by the financial year 2010-2011. This will mean that the Indian leather industry will represent a 4.5% share (from 2.51%) of the total global leather exports of $116 billion. The production value is set to increase to Rs. 600 billion from the present Rs.250 billion and one million additional jobs are set to be created.[13]

Trends in Livestock Population

In India livestock census is carried out once in five years. Data are compiled by the ministry of Agriculture, Government of India and serve as the official source for livestock population. In the case of global population, data compilation is being done by the Food and Agriculture Organization and published through production year book.

India's share of live stock population in the world is predominant in the case of Buffaloes. The share of cattle and goats is reasonable. In fact, India secures the first place in the cattle and buffaloes, ranks second in goats and third in the case of sheep. The trends in Indian livestock population in respect of the four species of cattle, buffaloes, goats and sheep are provided. Buffalo population is found to be growing much faster and the animal appears as a promising source for future.[14]

TANNERIES IN INDIA

Tanneries are spread all over the country. According to a CLRI estimate (1998) 2091 tanneries exist in the country. This number does not include unregistered cottage scale tanneries.

Table 4.2: State wise Number of Tanneries (1998)

STATE	NUMBER OF TANNERIES
Tamil Nadu	**939**
West Bengal	538
Uttar Pradesh	392
Punjab	79
Maharashtra	33
Andhra Pradesh	24
Haryana	18
Bihar	17
Karnataka	16
Rajasthan	15
Others	20
Total	**2091**

Source : Central Leather Research Institute.

It may be mentioned that of late tanning activity in the states of Maharashtra, (particularly Mumbai), Karnataka (mainly Bangalore) and Rajasthan has considerably abated due to economic and environmental reasons.

Preponderance of Small-Scale Tanneries

As manufacture of semi-processed leather (vegetable or chrome tanning) was reserved for small-scale sector until recently, there is preponderance of small-scale tanneries in the country. Limited resources, small size of operation, lack of technical expertise and a generally hand-to-mouth existence prevent

MAP – 1

MAJOR CENTERS OF TANNING INDUSTRY IN INDIA



- **Major centres of tanning industry in India.**

majority of small-scale tanneries from opting for modernization or improved process technologies.[15]

Table 4.3: Tanning Capacity in India according to Stage of Processing

(In Million Pieces)

S.No	Stage of Processing	Item	Installed Capacities(per annum)		
			SSI	Medium/Large	Total
1.	Raw to Semi finished hides and skins	Hides	23.16 (97.47)	0.60 (2.53)	23.76 (100.00)
		Ovine skins	57.58 (96.58)	2.04 (3.42)	59.62 (100.0)
2.	Raw to finished leather	Hides	27.94 (72.97)	10.35 (27.03)	38.29 (100.00)
		Ovine skins	70.56 (69.37)	31.16 (30.63)	101.72 (100.00)
3	Semi finished to finished leather	Hides	9.38 (68.67)	4.28 (31.33)	13.66 (100.00)
		Ovine skins	32.31 (63.83)	18.31 (36.17)	50.62 (100.00)

Source : Report on Capacity Utilization and Scope for Modernization of Indian Tanning Industry, Central Leather Research Institute, Chennai.

Employment

An industry dominated by cottage and household units, there has been no systematic assessment of employment provided by this sector in the country. It has however been assessed by various organizations (CLRI, CLE) that the total direct employment provided by this industry is of the order of 2.5 million. The share of different segments of industry has been given below in Table 4.4.

Women Employment

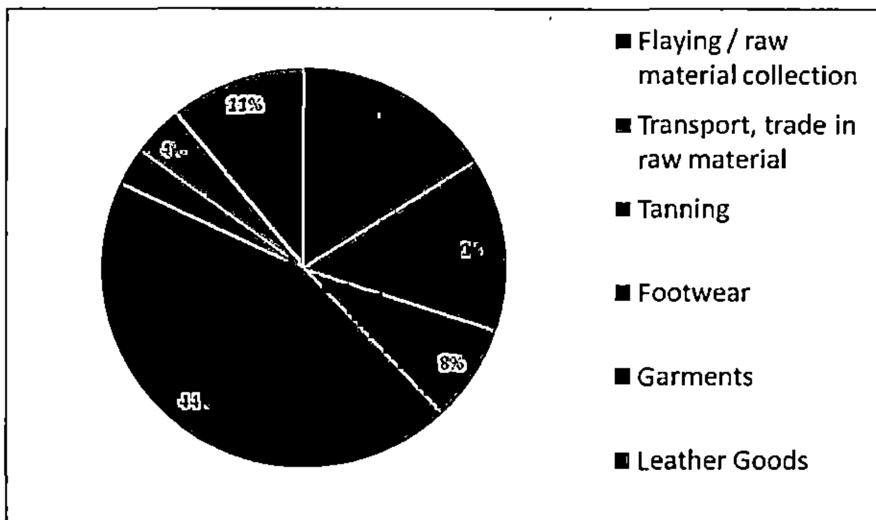
Women employment in this industry is significant. A substantial number of women from rural areas find employment in household footwear and leather goods manufacturing facilities. Besides, the modern factories producing footwear, garments and leather goods, particularly in South India, prefer to employ women. It is estimated that about 30% of employment provided by this industry is taken by women.[16]

Table 4.4: Estimated Employment in Leather and Allied Industries, Share of Different Segments

S.No	Segment of the industry	Employment (in millions)
1.	Flaying / raw material collection	0.40
2.	Transport, trade in raw material	0.35
3.	**Tanning**	**0.20**
4.	Footwear	1.10
5.	Garments	0.08
6.	Leather Goods	0.10
7.	Allied industries	0.27
	Total	**2.50**

Source : Central Leather Research Institute, Chennai.

Graph 4.1: Share of Different Segments in the Employment provided by the Industry



HISTORY OF THE LEATHER INDUSTRY IN TAMIL NADU

Madras (now Chennai) was one of the important trading centers during the British days in India. Hides and Skins were major items of trade. Much of the export consisted of raw hides and skins. **Of the 25 tanneries reported in India in the early 20th century, 14 were said to be in Chennai.**

In 1973 the Dr. Seetharamiah Committee set up by the Government of India recommended that export of raw hides and skins should be banned and the export of semi-processed leather should be restricted. The aim was to encourage exporters to process the hides and skins and export finished products. The government accepted the recommendations as it was keen that there be substantial value addition to the exports. This would not only improve the foreign exchange inflow, a national priority, but also provide employment to thousands of people. **Issues of environment were not an important part of the agenda in India before the early 1980s.** The government partly with the help of legislation and partly with a system of incentives, banned the export of raw hides and skins and discouraged the export of semi-processed leather. This accelerated the growth of tanneries.

As Chennai was the major trading center for hides and skins as well as the little processed products that were exported it was not surprising that the new leather processing units were founded close to the city. **Some of the tanneries were located on the outskirts of Chennai City.** With the aim of shifting the industries out of the cities and providing equitable employment opportunities to the population in the hinterland, the state government provided a wide range of incentives of the industrialists to set up industries in pre-designated backward regions of the State. **One such region was the belt in the North Arcot District of Tamil Nadu half way between the cities of Bangalore and Chennai which was witness to the phenomenal growth of the leather industry.** The river Palar cuts through this region and the water

flow in the river was considered adequate to meet the requirements of the industry. [17]

Tamil Nadu's Share in Leather Sector

The leather sector is India's sixth largest foreign exchange earner and a major employer. **In 1999 India exported about $ 1618 million worth of leather and leather goods (including footwear, footwear components, leather garments, hand bags and other leather goods and saddlery and harness) and the sector employs about 2.5 million people nationwide, directly and indirectly. The current global market share of India's leather industry as a whole is 4.5% (CLRI 1998). Within India, Tamil Nadu is the nation's premier leather producer with 70% of the country's estimated leather tanning capacity of 225 million processed pieces annually and a 66% share in the nation's total leather exports. Of all exports from Southern India over 90% come from Tamil Nadu.**

The state has over 9000 registered small and medium firms in the leather sector, about 70 large scale firms and about 40 composite firms. Spatially the industry is marked by distinct agglomerations near river basins – a feature that adds to the negative externalities associated with environmentally damaging effect of effluents generated by the industry that contaminate local water – tables. **In Tamil Nadu most of the tanneries are concentrated in a handful of locations dominated by the Palar Valley in Vellore District and the Cauvery river basin.** Finished leather and leather goods production is centered in and around Chennai, the cities capital. For the past two decades this industry has changed significantly moving away from the production of semi-finished leather to the production and export of finished leather and value added leather products. **In 1999, of the US$ 638 million worth of leather from Tamil Nadu, US$ 471 million 74% was in finished leather products mainly footwear components, footwear, and leather garments. In this period, Tamil Nadu had a 42% share in India's leather footwear exports**

and a national share of 72% in the export of footwear components such as lasts and shoe-upper and so on. Tamil Nadu (mainly Chennai) also accounted for 31% of the nation's export of leather garments and 15% of the country's export of leather goods such as wallets and bags.

The leather industry has long roots in Tamil Nadu. It emerged in the mid-1800s in response to demand from the colonial government (Kennedy 1999) and was shaped in its early years by the British Governments procurement policies – aimed at proving cheap semi-tanned leather, skins and raw hides locally and shipping them to Europe for finishing, processing and conversion to leather products. Policy shifts over the years have influenced the growth of Tamil Nadu's leather industry in important ways.[18]

INSTITUTIONS INVOLVED IN LEATHER TANNING INDUSTRY

Important national level organizations that are headquartered in Chennai include the Central Leather Research Institutions (CLRI), the Council of Leather Exports (CLE), and the National Environmental Engineering Institute (NEERI). A powerful industry association that is very active in Tamil Nadu is the **All India Skin and Hide Tanners and Merchants Association (AISHTMA)** that works closely with the South India Tanners and Dealer Association, a regional organization, **the Shoe Federation, and the Finished Leather Manufacturers Association.** Each of these organizations has long roots in the country and region. Just as they have played an active role in earlier shifts in the structure of the regions leather industry, they are all key players in current efforts by the industry to reorient itself toward a more environmentally complaint path.

CLRI was established by the Indian government in 1948 as a constituent member of a network of national boundaries (in various sectors) under the Council of Scientific and Industrial Research. Headquartered in Tamil Nadu and funded largely by the national government,

CLRI has been at the forefront of leather – related research, dissemination of new practices – including the spread of chrome tanning technologies in the region in the mid 1970s. Apart from providing policy advice to the government and diffusing information to the industry, one of the most important roles of CLRI is to provide testing, and certification facilities to firms.

Human Resource Development Department of CLRI

It is estimated that close to 2.5 million people are presently employed both directly and indirectly in the Leather Sector. About 1 million are estimated to be employed in the organized sector and the rest 1.5 million are in the un-organized product sector. The growth in manufacturing at the present level of 12% to 14% is not feasible without the availability of manpower with the right skill set. While the need for appropriately trained and skilled manpower is felt across all levels, the shortage is felt more acutely at the lower level of semi-skilled workforce. Owing to large export orders flooding the Indian Leather product units, there is acute shortage of semi-skilled workforce. **In this regard HRD mission targeted potential work force in the rural areas and would lay stress on skill development and technical development. By providing Output linked financial assistance, these people in rural areas would be trained and placed into employment in the sector. Indian Leather and footwear industry are mostly in the unorganized sector, which makes the role of Government in training efforts imperative.** As the workers and artisans working in the unorganized sector use traditional techniques and manufacturing methods, their products are not as per the international standards, sizes and norms. Further, their productivity is also low due to lack of up gradation of tools and equipments. The expected outcome of the intervention of HRD mission will be to enhance skills of the operators, to produce technically better products for the consumers and help establish Indian Brands. It is proposed to train workers and artisans of unorganized sector to enable them to adopt modern tools and

techniques, international standards and sizing and hence make them competitive in the domestic as well as in the international market. It will help to integrate unorganized sector with the organized sector in the footwear and Leather industry.[19]

CLE was established in the 1960's to promote leather exports. Its role is to gather and disseminate market information to the industry and to control the quality of products that are shipped out. **CLE leads trade delegations abroad, and runs a well-subscribed Trade journal called "Leathers".** CLE has strong links to the Ministry of Commerce. **An important feature of its organizational structure is that it is chaired by representative from the industry, and managed by a managing director appointed by the Ministry of Commerce.** These institutionally built –in industry-government ties have led to a system of feedback and dialogue that is quite pragmatic. The government appointed managing director rarely act unilaterally or without consultation with the industry. For example, joint meetings with outsiders (the public or anyone outside CLE), and a group of local member firms is an important part of the agencies protocol. It is an internal mechanism for CLE to present an open/transparent front to its members – to keep industry involve in the information they disseminate about the sector.[20]

The industry association AISTHMA was incorporated in 1917 and formally registered in 1971 around the time that important changes were taking place in the Indian Leather Sector. In recent years the association has been involved in implementing common and individual effluent treatment plants as well other devices for the treatment of tanning waste. **A Key feature of the associations in the leather cluster is "interlocking directorates".** Members often belong to overlapping professional groups and maintain multifaceted business and social relationships.

The intermeshed membership of these various associations, the active role of regional Research and Development institutions such as CLRI, as well as the government's attempt to keep small firms as central players in the tanning sector has led to impressive amounts of technical learning in the sector. This is especially evident in how Tamil Nadu's leather firms responded to the changes instituted by the government in the early 1970s and the recent response of the industry to its environmental crises. **Tamil Nadu's leather producers routinely win national quality awards in all- India contests in finished leather, leather garments, leather uppers and footwear. For example in the US market, a pair of men's shoes manufactured in Tamil Nadu fetches at minimum US$ 20/pair compared to $10 pair shoes made in Agra, am important Northern shoe producing Center.** In European markets, high-end Tamil Nadu shoes fetch as high as $60-70 per pair. Europe is currently Tamil Nadus main market, though the US rapidly growing in importance.

The Common Effluent Treatment Plant (ETP) installed for tanneries and ETP for individual tanneries could not achieve the standards for total dissolved solids and chlorides. **In this regard the CLRI has recommended the proposal of laying of pipeline from Vanniambadi to sea for disposing of treated effluents.**[21]

So far this chapter has discussed about the Evolution of Leather industries and Tanneries in India and Tamil Nadu. **Now the researcher proceeds to study the profile of the Vellore District which happens to be the research area and then highlight the status of leather industries and tanneries in Vellore District.**

PROFILE OF THE VELLORE DISTRICT

Vellore had the privilege of being the seat of the Pallava, Chola, Nayak, Maratha, Arcot Nawabs and Bijapur Sultan Kingdoms. **It was described as the best and the strongest fortress in the Carnatic War in the 17th Century.**

It was witnessed by the massacre of European Soldiers during the mutiny of 1806. **Vellore district lies between $12^0$15' to $13^0$15' North latitudes and $78^0$20' to 79^0 50' East longitudes in Tamil Nadu State. The geographical area of this district is 6077 sq.k.m. The total population as per 2001 census is 30, 26,432.**

Vellore is the Head Quarters of Vellore District is well connected by Rail and bus routes to major towns of the neighbouring states like Andhra Pradesh, Karnataka and Kerala. The history of the district assumes a great significance and relevance, as we unfold the glorious past. **The monuments found in the district give a vivid picture of the town through the ages. In the 18^{th} Century Vellore District was the scene of some of the decisive battles fought in Ambur 1749 A.D., Arcot 1751 A.D., and Vandavasi 1768 A.D.,** as a result of the long-drawn struggle between the English and the French for supremacy.

One of the monuments of Vellore is the Fort. A very close examination of the stone inscriptions suggests that the Fort in all probability might have been built during the rule of **Chinna Bommi Nayak (1520 to 1595 A.D).** The Fort is one of the most perfect specimens of Military architecture in South India. **The Jalakandeswarar Temple inside the Fort is a very fine example of Vijayanagar architecture.** The Kalyanamantap on the left of the entrance, with intricate carvings and delicacy of execution bears testimony to the engineering marvel and advanced state of sculpture of the times. **Another landmark that has put Vellore on the Centre stage of the Medical World is the Christian Medical College and Hospital.**

The outstanding performance of this district in contributing to the Military service is commendable, as more and more men have enlisted themselves to the Military service, to serve the nation with indomitable spirit and courage. **The clock tower in the long bazaar in Vellore was built in 1928 A.D.** A stone inscription in the building read **"Vellore-From this village**

277 men went to the Great War 1914-18, of then 14 gave up their lives". This is a recorded testimony to the Vellore and Military Powers of men in this area.

Economic, Social and Cultural changes in Vellore in the 20th Century

The economic condition of the district in the earlier stages was not very sound, in the absence of the major industries. **Later on industries like Bharat Heavy Electricals Limited, Ranipet, Tamil Nadu Explosives Limited, Katpadi, was setup. Besides there has been marked growth of small scale industries and Tanneries in the district.** The innovative self help groups of woman are also playing a very useful role in building rural economy and helping rural women to be self reliant.

The social scenario also has changed keeping pace with the changing times. Increased social awareness and upward social growth mark the successful story of the district. The bonded labour, the child labour, etc. are fast disappearing giving place to new social order. **A striking feature of the social change is that the district achieved cent percent literacy owing to the effective implementation of the Arivoli Movement.**

The Samathuvapurams that are being set up, in various parts of the districts, herald a new era, as social harmony and peaceful co-existence of different communities are the basic concept of the scheme. **The Varumum Kappom Thittam by proving basic infrastructure to rural folk for a free medical examination is indeed a milestone in the social history of Tamil Nadu.**

The cultural impact in the society is also very significant same of the traditional arts of the District like the **Therukoothu,** an art form folk theatre, **Kokkalitottai, famous traditional dance in the district** are gradually vanishing. But it is also a matter of solace to note that some of the handicrafts for which the Vellore district are renowned, are still flourishing. **Mat making**

in Walajapet, silk weaving in Arni and the traditional art of pot making in Vellore and places around, are some of the challenges through the ages. **The Poomalai, scheme that has been introduced by the Government will not only preserve the traditional handicrafts, but also promote their growth.**[22]

Vellore District Profile

Total Geographical Area	:	6077 sq.km
Total Number of Taluks	:	8
Total Number of Blocks	:	20
Total Number of Municipalities	:	14
Total Number of Town Panchayats	:	22
Total Number of Village Panchayats	:	763

Table 4.5 : Literacy: Municipality - Wise

Name of the Municipality	Literates		
	Total	**Male**	**Female**
Vellore	113080	52603	51287
Arcot	28953	16490	12463
Ranipet	29604	16004	13600
Walajah	16286	9306	6980
Arakkonam	53104	29499	23515
Gudiyatham	50388	28880	21408
Ambur	43753	24587	19166
Vaniyambadi	42240	23503	18737
Tirupattur	35459	19981	15478

Source: District Collectorate, Vellore

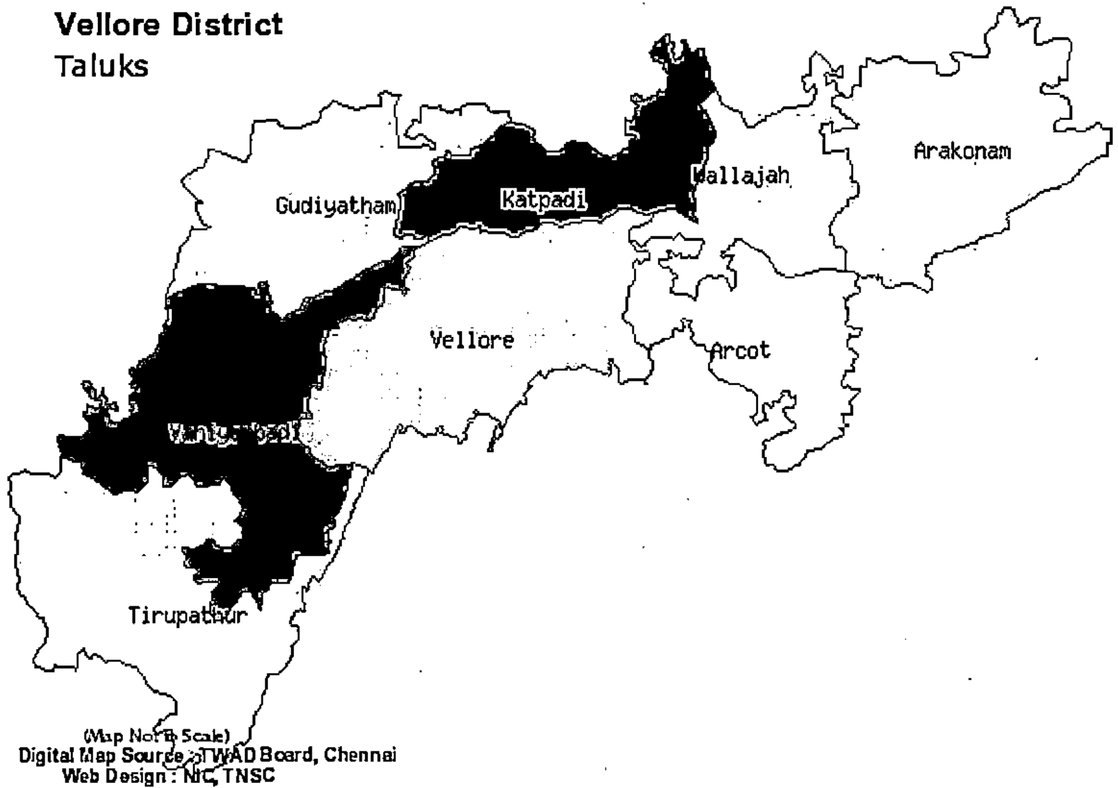
MAP – 2

LOCATION OF VELLORE DISTRICT IN TAMILNADU

Tamil Nadu

VELLORE TALUKS

(Click on any taluk to view Revenue Village Boundaries)



Number of Taluk	8
Number of Revenue Village	843
(Select any taluk)	
Taluk	**Revenue Villages**
Arakonam	145
Arcot	102
Gudiyatham	86
Katpadi	97
Tirupattur	87
Vaniyampadi	112
Vellore	131
Wallajah	83

Table 4.6: Literacy: Block - Wise

Name of the Municipality	Literates		
	Total	Male	Female
Arakkonam	86496	51796	36701
Nemili	61310	39482	21828
Kaveripakkam	53890	41102	22698
Walajah	105108	62242	42866
Sholinghur	59278	37294	21984
Arcot	84099	61621	32479
Thimiri	62314	39142	23172
Vellore	187920	111630	86290
Kaniyambadi	49534	29773	19761
Anaicut	63609	39483	24126
Gudiyatham	117132	70344	46788
Pernambut	83226	51430	31796
K. V. Kuppam	56990	34612	22378
Katpadi	80542	47230	33312
Alagayam	81433	48715	32718
Madhanur	87876	51176	38700
Tirupattur	64741	51540	33201
Kandili	44973	28606	16367
Natrampalli	33854	21771	12083
Jolarpet	55962	41865	24097

Source: District Collectorate, Vellore.

Table 4.7 : Main Workers In Vellore District

Total Workers	12,23,243
Male Workers	8,27,726
Female Workers	3,20,316
Rural Workers	8,61,897
Urban workers	2,86,145
Agricultural Labourers	3,78,770
Cultivators	2,68,734
Household Industry	80,071
Other Workers	4,20,467
Marginal Workers	75,201
Non-Workers	18,03,189

Source: District Collectorate, Vellore.

LEATHER INDUSTRY IN VELLORE DISTRICT

The Vellore district has a dominant presence in the Leather and Leather based industries. **Vellore District accounts for more than 37% of the country's Export of Leather and Leather related products such as finished leathers, shoe uppers, shoes, garments, gloves and so on. Leather and Leather products exports by the end of the year 1999 have been estimated Rs.2000 crores from this District alone.** The Government of Tamil Nadu provides all possible capital subsidies and infrastructural support in the form of setting up Industrial Estate and Common Effluent Treatment Plant. Thus Vellore District's share of the Leather market in the years to come is ensured.

In Vellore District the major leather related products are Footwear components, Leather Garments, Leather goods and Leather gloves. **The**

leather units in the State exported during 1998-99 is Rs.2751.42 crores out of which Vellore District export value is Rs.2000.00 crores which is 37% of India's export on leather and leather related products. An Industrial Park exclusively for Leather Industries providing all infrastructure facilities for Tanning to Finished Leathers and Leather Shoes, Chappals, Garments etc is being manufactured in the park.[23]

Overview of the Industrial Scenario

- 24,266 SSI units were registered from inception upto 31.03.2006
- The Vellore District has a dominant presence in the field of Leather & Leather allied products.
- 996 Leather Tanning and Leather Allied Product Units located at Ambur, Vaniyambadi, Pernambut, Melvisharam and Ranipet.
- In Leather Sector total number of workers (directly and indirectly) is 88,000.

Leather and Leather Products

- Annual Turnover of Tamil Nadu : Rs.10,000 crores
- Annual Export Turnover : Rs.4,800 crores
  (50% of Country's annual and 38% of Export Turnover)

Vellore District Turnover

- Turnover is 60% : Rs.6,000 crores
- Export turnover is : Rs.2,400 crores

The major Articles by Large Scale Industries

- Leather Shoes, Finished Leathers
- Internal Combustion Engines
- Portland Cement, Sanitary wares

- Refractory Ceramic goods, Ultra marine blue
- Parts of Turbo charges, Steel Castings

Vellore district is not considered as potential area for large-scale industrial development. In the case of small – scale industries, the district is covered with number of industries and factories. In terms of largest number of factories in the district, they belong to the category of **"leather tanning and curing"** and have developed around the centres of **Ranipet, Vaniyambadi, Ambur, Peranambattu, Melvisharam and Gudiyatam.**

Vaniyambadi is a noted trade centre and the name of the town is derived from the term, Vanniya, meaning trader. It is well known for leather tanning activity, production of jaggery, oil, etc. There is a famous Mosque built on the model of Taj Mahal in the Agra. Ambur is an important town in Vaniyambadi taluk and very famous for leather tanneries. Hence the researcher has chosen Vaniyambadi as the research area to conduct the research on the Human Rights Violation of Tannery Workers since research has not been focused in this area hitherto.[24]

NON GOVERNMENT ORGANISATION IN VELLORE DISTRICT

The Non Government Organization (NGO) in Vellore district are mainly dealing with Environmental issues like Environmental awareness, environmental Education etc, to the public and also organizing training programme for rural people, campaigns, seminars, tree planting etc, to disseminate the environmental awareness in Vellore district and 10 NGO's are identified in the district working in this regard. The researcher surprisingly found that there are no NGO's working for the tannery workers in particular apart from the Non Government Organization's working for environmental issues

1. Rural Unit for Health and Social Affairs
2. Association for Rural Social and Health Affairs
3. Centre for Rural Health and Social Education
4. Institute for Social Science and Research
5. Village Education and Development society
6. Gandhian Unit for Integrated Development Education.
7. Gandhian killed for Rural Education, Employment and Nature (GREEN Trust)
8. Radha Krishnan Educational Foundation Trust
9. Nehru Elizhajar Narpani Mandram and
10. Tribal Rural Urban Services Society[25]

Hence to conclude in this chapter, it is found that the Leather industry in India is dominated by small scale industrial units. Some major clusters of tanning industry in India are found in Pallavaram, Ranipet, Ambur, Vaniambadi, Dindigul and Trichy in Tamil Nadu, Kanpur in Uttar Pradesh, Kolkatta in West Bengal, Jalandar in Punjab. It is needless to say that tanning industry is the backbone of the leather product sector and provides massive employment and earns valuable foreign exchange for the country. Hence consdering the growing importance of leather industry and its related activities it is imperative that more and more vision and mission is required for the upliftment of tanneries. In this regard the development of a worker assumes more importance. The condition of these workers in Vaniambadi taluk of Vellore District which is one of the important cluster of Tanning industry in India is studied in detail in the forthcoming chapter.

REFERENCES

1. Ghosh S.P., ***"Sports Goods Leather"***, Central Leather Research Institute, Chennai, 2003, p.1.

2. ***Ibid., p.3***

3. Richard Gibbs, ***"Leather"***, Wayland Publishers Limited, England, 1981, p.24.

4. Krysztof Bienkiewilz, ***"Physical Chemistry of Leather"***, Richard Gibbs Robert E.Krieger Publishing Company, Florida, 1983, p. 6.

5. The Institute of Cost and Works Accountants of India, ***"Costing in Leather Processing Industry"***, Central Leather Research Institute, Chennai, 2001, p.15.

6. Ghosh S.P., ***"Sports Goods Leather"***, Central Leather Research Institute, Chennai, 2003, p.14.

7. All-India Manufacturer's Organization, ***"Leather Industry in India"*** A –I.M.O. Monograph, Bombay, 1948, pp.4-10.

8. Mahadevan T.S.K., ***"A Manual on Practical Leather Processing"***, Indian Leather Publication, Chennai, 2001, p.32.

9. All-India Manufacturer's Organization, ***"Leather Industry in India"*** A –I.M.O. Monograph, Bombay, 1948, pp.12-17.

10. ***Ibid., p.20***

11. Sankar U., ***"Trade and Environment – A Study of India's Leather Exports"***, Oxford University Press, New Delhi, 2007, pp.137-140.

12. Sahasranaman A., ***"Environment Management – A Study of the Indian Leather Industry"***, Council for Leather Exports, Chennai, 2003, p.26.

13. The World of News, ***"World Leather"***, April, 2006, p.10.

14. ***Report of All India Survey on raw Hides and Skins, Volume I,*** Prepared for the Ministry of Commerce and Industry, Government of India, Central Leather Research Institute, Chennai, 2005, p.38.

15. Sahasranaman A., ***"Environment Management – A Study of the Indian Leather Industry",*** Council for Leather Exports, Chennai, 2003, p.3.

16. ***Ibid.,p.6.***

17. Mahadevan T.S.K., ***"A Manual on Practical Leather Processing",*** Indian Leather Publication, Chennai, 2001, p.84.

18. Natarajan N., ***"Eco-Friendly Vegetable tanning Leather",*** Indian Leather Publications, Chennai, 2000, p.72.

19. **http://www.clri.nic.in**

20. **http://www.leatherindia.org**

21. **http://www.clri.nic.in**

22. **http://www.vellore.tn.nic.in**

23. **http://en.wikipedia.org/wiki/vellore#leatherindustry**

24. **http://vaniyambadi.net/index**

25. **http://www.vellore.tn.nic.in**

Chapter - 5

Socio-Economic Status of Tannery Workers in Vanniambadi Taluk

CHAPTER - V

SOCIO-ECONOMIC STATUS OF TANNERY WORKERS IN VANNIAMBADI TALUK

Analysis and interpretation of data forms the most important aspect of every research. The earlier part of the research is explained theoretically and only in this chapter the facts are represented through statistical data and values. In this research study 300 samples were chosen to study the Human Rights violation of tannery workers in Vanniambadi Taluk of Vellore District. This chapter helps to study the violation in depth and gain more insights in to the problems and condition of workers in tanneries.

The data collected is analysed using special statistical software namely the Statistical Package for Social Science Research (SPSS) which is the most appropriate one among the various packages available for analyzing data in social science research. Data collected from the respondents were entered into a personal computer and SPSS (Statistical Package for Social Science Version 13.0) was used to analyse the data. Some of the statistical tools used for the analysis include:

i) Summary Statistics, one way tables, two way tables

ii) Chi-square Test

iii) Factor Analysis

The data are presented using diagrammatic representation in the form of graphs and tables.

This research on Human Rights violation of Tannery Workers with reference to Vanniambadi Taluk of Vellore District is studied with the help of the following five indicators

1. **Right to live with Human Dignity**
2. **Right to Social Security**
3. **Right to Just and Humane conditions of Work**
4. **Right to Protection from Harassment**
5. **Right to Protection from Occupational Health Problems**

The indicators Right to live with Human Dignity and the Right to Social Security is focused to study the socio-economic status of tannery workers. The indicators Right to Just and Humane Conditions of Work, Right to Protection from Harassment and the Right to Protection from Occupational Health Problems is focused to study the issues of tannery workers at the work place. With regard to the Right to Live with Human Dignity, the researcher intends to discuss the rights such as the Right to clothing, Right to Housing, Right to Education, Right to Food etc. The Right to Social Security covers the aspects such as the Right to Medical Assistance and Right to Free Legal Aid. This enables to analyze the socio-economic status of tannery workers in Vanniambadi Taluk of Vellore District.

Based on the above indicators the questionnaire was formed and administered among 300 respondents working in tanneries in Vanniambadi Taluk of Vellore District. In Vanniambadi Taluk the blocks covered were Madhanur, Pernambut, Alangayam.

GENERAL INFORMATION OF THE RESPONDENTS

The general information of the respondents are discussed under the following heads namely sex, age, education, marital status, community, religion, type of family, status of work and habit of consuming liquor.

Table 5.1 : Age Group of the Respondents

Age	Number	Percentage	Chi - Square	d.f	Sig. Value
15-20	40	13.33			
21-25	47	15.67			
26-30	66	22.00	**96.987**	**3**	**0.000**
Above 31	147	49.00			
Total	**300**	**100.00**			

Graph 5.1 : Age wise Distribution of the Respondents

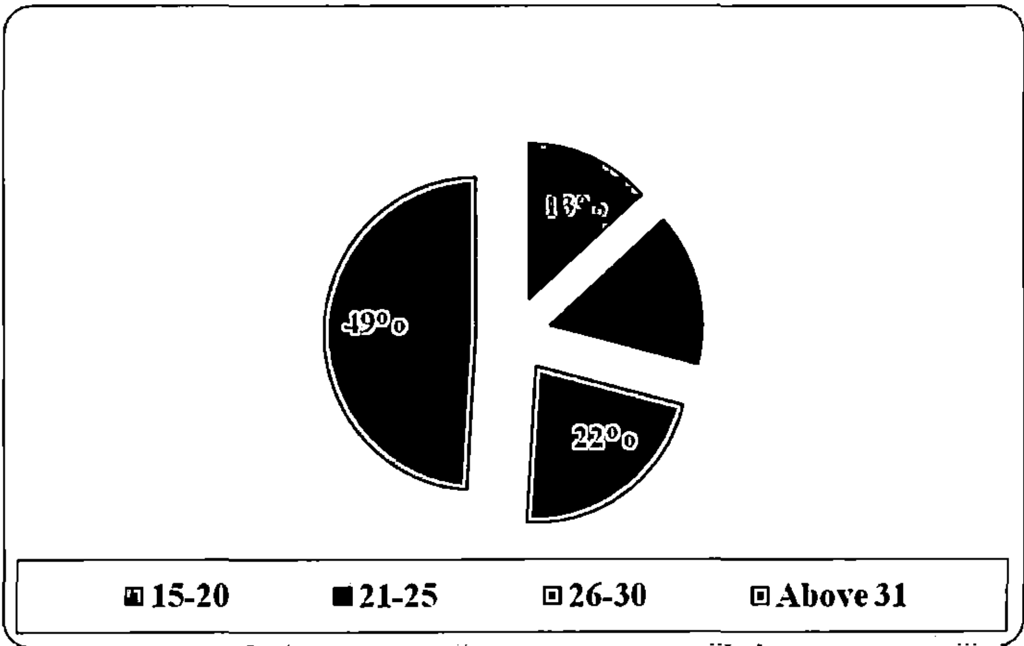


Table 5.1 gives the age distribution of respondents of the sample survey. Out of 300 respondents, 13 percent are in the age group 15-20 years, 16 percent are in the age group 21-25 years, about 22 percent are between ages 26-30 and above 31 is nearly 49 percent.

To test whether the number of respondents are distributed evenly over the four age groups, the commonly used Chi-square test is used.

The null hypothesis: The numbers of respondents are uniformly distributed over the four age groups considered in the present analysis.

If the significance value (last column value) is less than 0.05, the hypothesis of uniformly distributed has to be rejected and if the significance value is more than 0.05, then there is no reason to reject our hypothesis- the value 0.05 indicates the level of error we may commit in our inference. That is, if one wants to be sure in 95% of the cases and fails to be sure in only in 5% of the situations, then the value will have to be taken as 0.05. If more accuracy is needed, we may choose to have the value 0.01ensuring 99% correctness in our inference with an error margin of 1%.

How the value of Chi-square got? The total sample size is 300 and we have four age groups, viz., 15-20, 21-25, 26-30, and more than 31. If the distribution of the respondents (i.e. 300/4=75) or 25 percent in each one of the four classes, these values are known as expected frequencies (Es). But we have 40 samples in the first age group, 47 in the second, 66 in the third and 147 in the fourth- and these values are known as Observed frequencies (Os). Chi-square value is computed using the formula: Sum $(O\text{-}E)^{2}/E^{2}$.

D.F. stands for degree of freedom – it is one less than the number of classes – (4-1=3) for our data, the significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed over the four age groups. More than 25% of the respondents are found in each of the age groups 26-30 and more than 30 years. Nearly 63% of women in our sample are more than 26 years of age and only about 37% are less than 25 years of age.

Table 5.2: Sex Wise Distribution of the Respondents

Sex	Number	Percentage	Chi -quare	d.f	Sig. Value
Male	243	81.00	**115.320**	**1**	**0.000**
Female	57	19.00			
Total	**300**	**100.00**			

The above table indicates that among the 300 respondents, 243 of them were male and 57 of them were female. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed in terms of sex.

Graph 5.2 : Sex of the Respondents



Table 5.3: Marital Status of the Respondents

Marital Status	Number	Percentage	Chi - Square	d.f	Sig. Value
Single	51	17.00	**528.667**	**3**	**0.000**
Married	244	81.33			
Widowed	3	1.00			
Separated	2	.67			
Total	**300**	**100.00**			

Among the total respondents 51 of them were unmarried, 244 were married, 3 of them fall in the widowed category and 2 of them were separated from their spouses. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed with respect to marital status.

Graph 5.3 : Marital Status of the Respondents

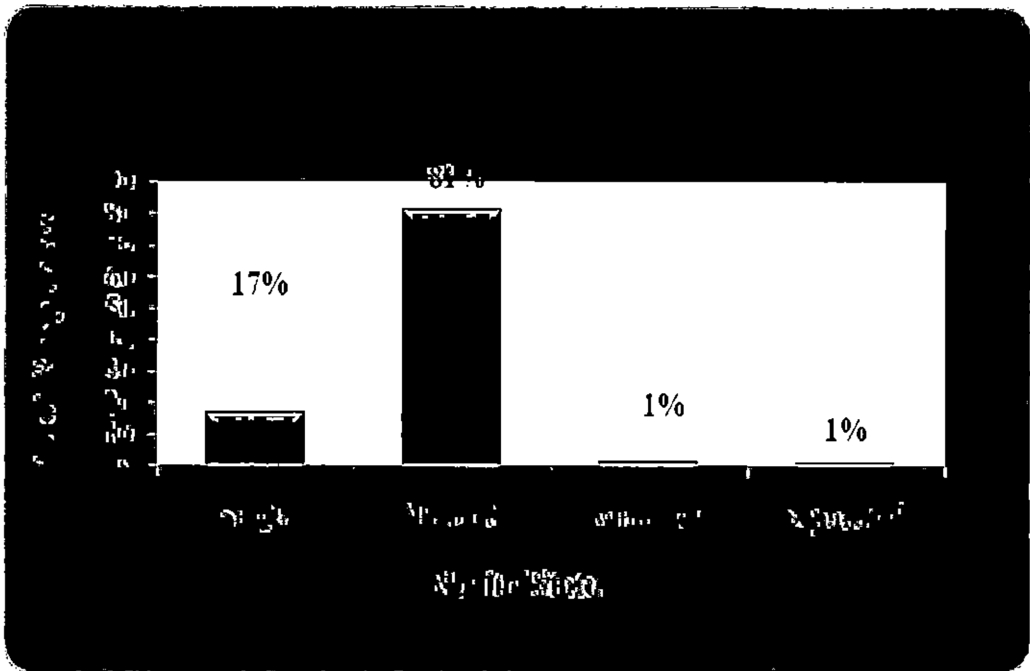
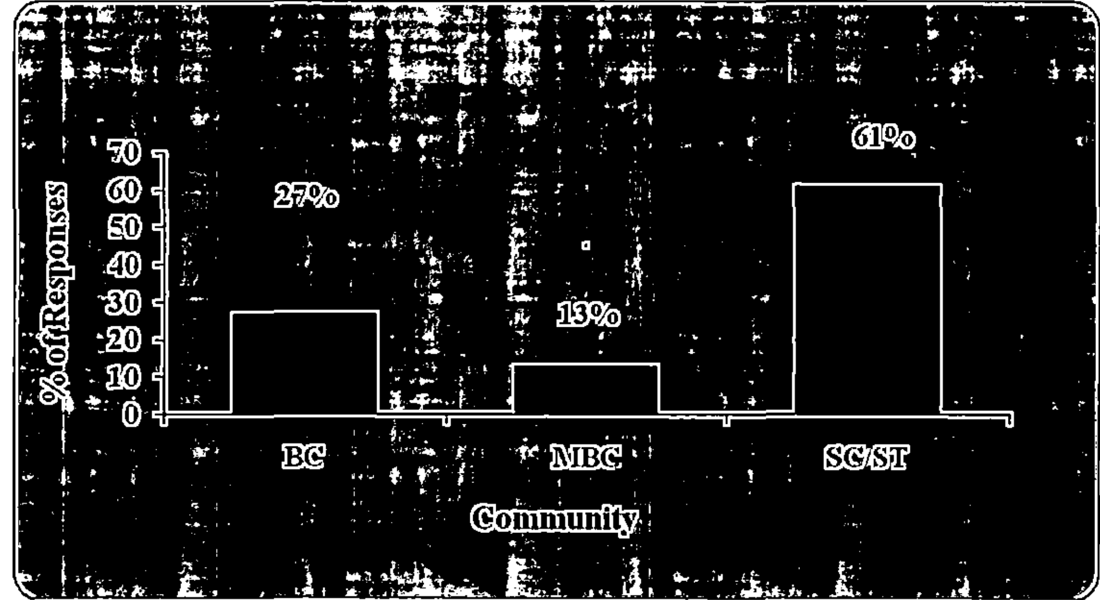


Table 5.4: Community Wise Distribution of the Respondents

Community	Number	Percentage	Chi - Square	d.f	Sig. Value
BC	80	26.67	**109.680**	**2**	**0.000**
MBC	38	12.67			
SC/ST	182	60.67			
Total	300	100.00			

Graph 5.4 : Community of the Respondents



When workers were questioned about their community, out of the 300 respondents 60.67 percent of them belonged to Scheduled Caste, 26.67 percentage of the respondents belonged to backward caste, 12.67 percentage belonged to the most backward class. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed with regard to community. Since most of the respondents are found to be of scheduled caste, the researcher intends to mention the provision of Articles 23, 24 and 46 of Indian Constitution which deals with economic safeguards of scheduled castes. The Directive Principles of State Policy provides that the **"State shall promise with special the educational and**

economic interests of the weaker sections of the people and in particular the scheduled castes and shall protect them from social injustice and from all forms of exploitation".**

Table 5.5: Religion Wise Distribution of the Respondents

Religion	Number	Percentage	Chi - Square	d.f	Sig. Value
Hindu	257	85.67	**369.980**	**2**	**0.000**
Christian	25	8.33			
Muslim	18	6.00			
Total	**300**	**100.00**			

From the above table the researcher came to know that most of the workers that is 257 of them belong to Hindu religion, 25 workers were Christians and the remaining 18 workers belonged to Muslim religion. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed with respect to religion.

Graph 5.5 : Religion of the Respondents

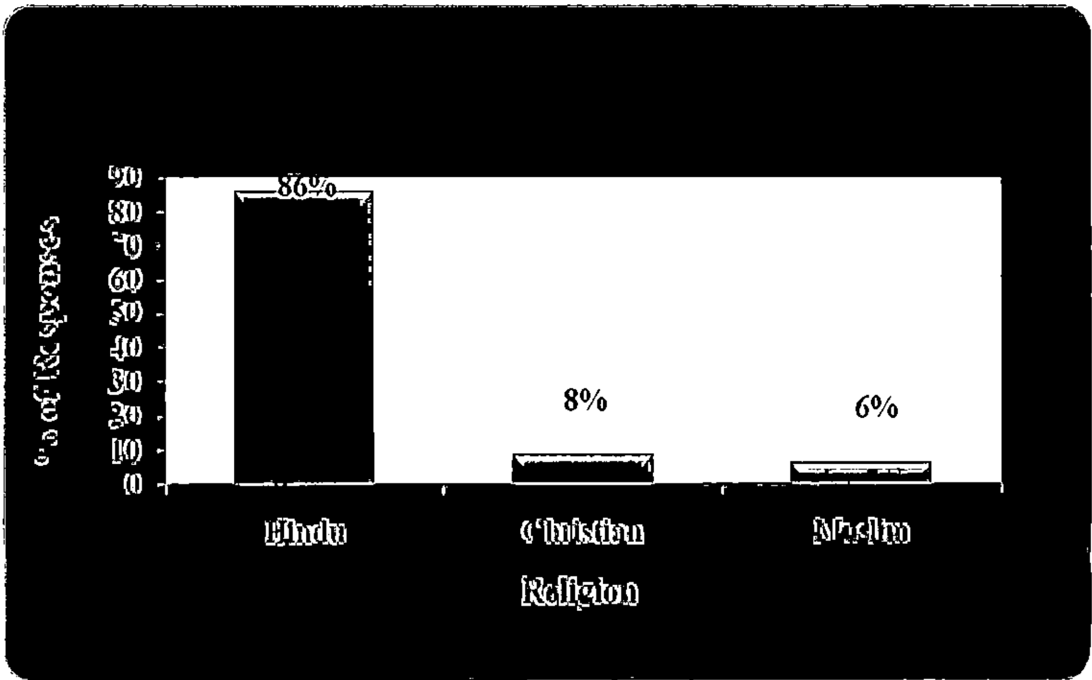


Table 5.6: Status of Work of the Respondents

Status of Work	Number	Percentage	Chi - Square	d.f	Sig. Value
Daily Wages	230	76.67	266.000	2	0.000
Regular	60	20.00			
Contract	10	3.33			
Total	**300**	**100.00**			

From the above table the researcher understand that 77 percentage of workers get daily wages, in comparison to only 20 percentage of regular workers, the category of 4 percentage are contract labourers. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed with reference to status of work.

Graph 5.6: Work Status of the Respondents

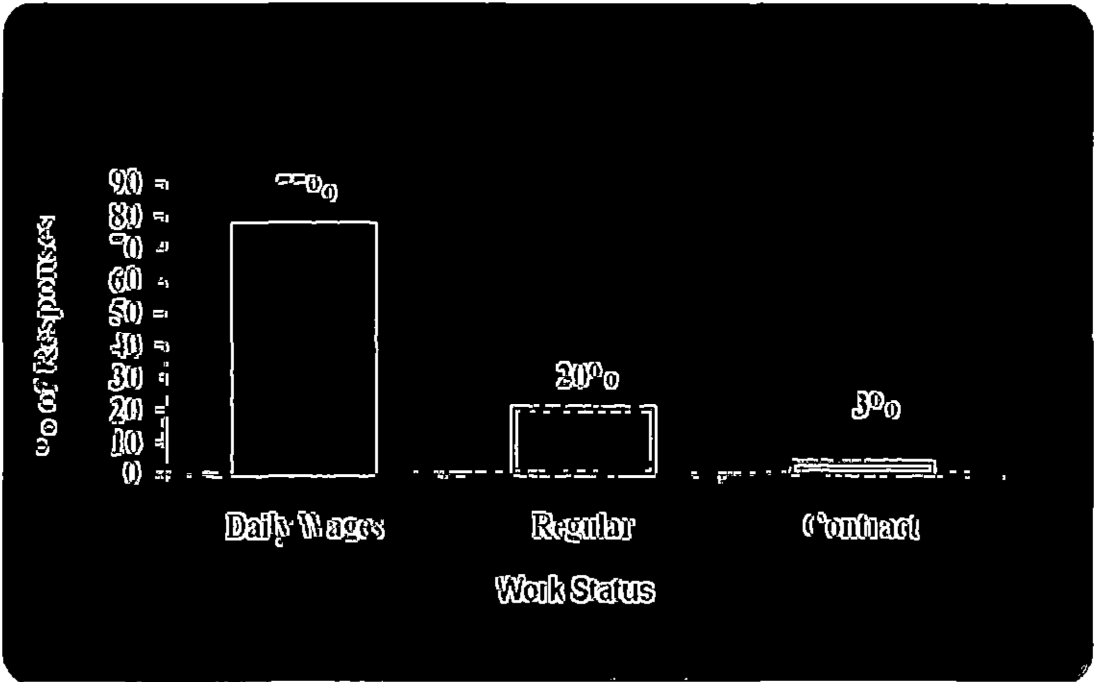
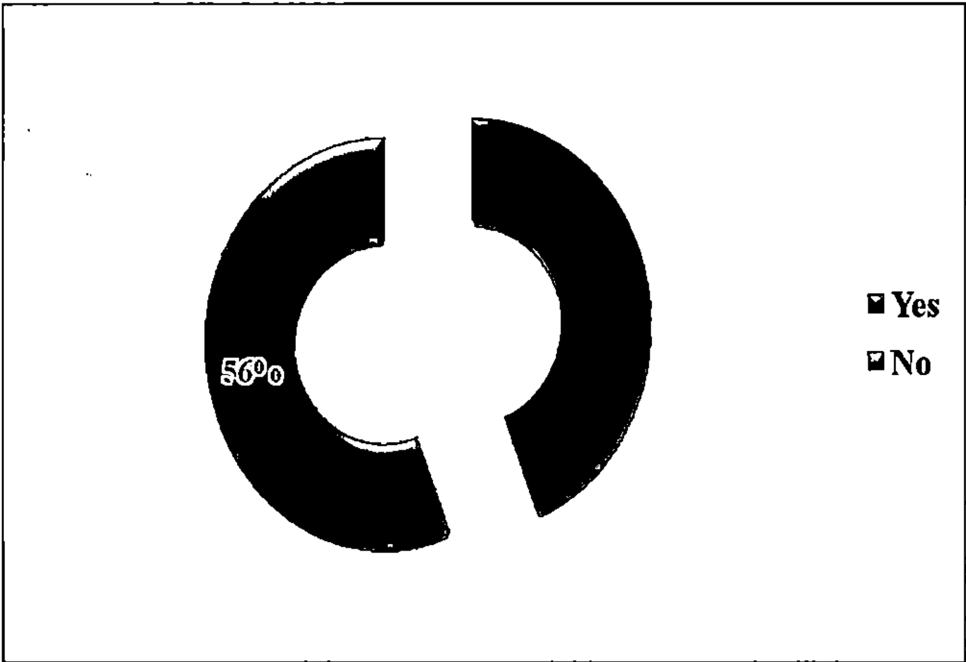


Table 5.7: Habit of Consuming Liquor

Habit of Liquor	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	132	44.00	4.320	1	0.038
No	168	56.00			
Total	**300**	**100.00**			

Graph 5.7 : Habit of Consuming Liquor



Alcoholism is a habit which is usually found among the workers in any field. In tanneries also it is found that some of the workers are addicted to liquor. From the Table 5.8 it is found that 44 percentage of them have the habit of consuming liquor regularly whereas 56 percentage of the workers are teetotalers. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed with respect to the habit of drinking liquor.

SOCIO-ECONOMIC STATUS OF TANNERY WORKERS

Generally the socio-economic status of unorganized labour is very poor. Most of the tannery units of the leather industry fall under the purview of unorganized labour. The researcher intends to study the socio-economic status of tannery workers by analyzing the right to live with human dignity and the right to social security. Tannery workers are at the mercy of the employer who exploit economically and physically. They belong to the deprived and weaker sections such as the scheduled caste community. Working and living conditions are very poor and the labour legislations are partly implemented. Due to low wages and poor economic background the tannery workers are deprived to enjoy a decent life and hence their socio-economic status is low and poor. Now the researcher proceeds to analyze the Right to live with human dignity and the Right to social security of the tannery workers in the Vanniambadi Taluk of Vellore District to study the socioeconomic status of tannery workers. With regard to the Right to live with Human Dignity the following Rights are analyzed

I. Right to Live with Human Dignity

- **I. A. Right to Clothing**
- **I. B. Right to Housing**
- **I. C. Right to Education**
- **I. D. Right to Food**

I. RIGHT TO LIVE WITH HUMAN DIGNITY

The **'dignity of the Human person'** is the intrinsic worth of human person. The worth of every person should mean that individuals are not perceived or treated merely as objects of the will of others. Human dignity is private, individual and autonomous. **Dignity is thus defined as the 'particular cultural understanding of the inner moral worth of the human person and**

his or her proper political relation with society'. Dignity is something that is granted at worth or an incorporation in to the community as a concomitant of one's particular ascribed status, or that accumulates and is earned during the life of an adult who adheres to his or her society's values, customs and norms.

The supreme value of democracy is the dignity and worth of the individual; hence a democratic society is a common-wealth where there is full opportunity to mature talent into socially creative skill, free from discrimination on grounds of religion, culture or class.

Thus dialectically every person should have freedom and well-being as a person who has dignity or worth. Assertorically that every agent has dignity, his status as agent should be maintained and protected. For dignity is an attribute or characteristic that, of itself deserves respects and makes mandatory the support of the being that has it. This mandatoriness or 'ought' moreover is strict; it is co-relative to an entitlement on the part of the agent who has dignity. In this way dignity entails rights.

In Maneka Gandhi Vs Union of India, AIR 1978 SC, the court held that right to live is not merely confined to physical existence but includes within its ambit, right to live with human dignity. The right to life includes the right to live with human dignity and all that goes with it, namely the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms freely moving about and mixing and mingling with fellow human beings. Thus, where minimum wages were not given to workers employed was held, to be denial to them their right with basic human dignity and violative of Article 21. Various labour laws are intended to ensure basic human dignity to workmen and if workmen are deprived of any of these rights and benefits that would clearly be violation of Article21.

Various international conventions protect the human dignity and life of a person. **'Human Dignity' appears in the preamble of the charter of United Nations. The term dignity is also included in the Article 1 of UN Declaration of Human Rights. Article 1 of UDHR states that 'All human beings are born free in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'. Further Article 10 of International Covenant on Civil and Political rights states that 'All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person'.**

I.A. Right to Clothing

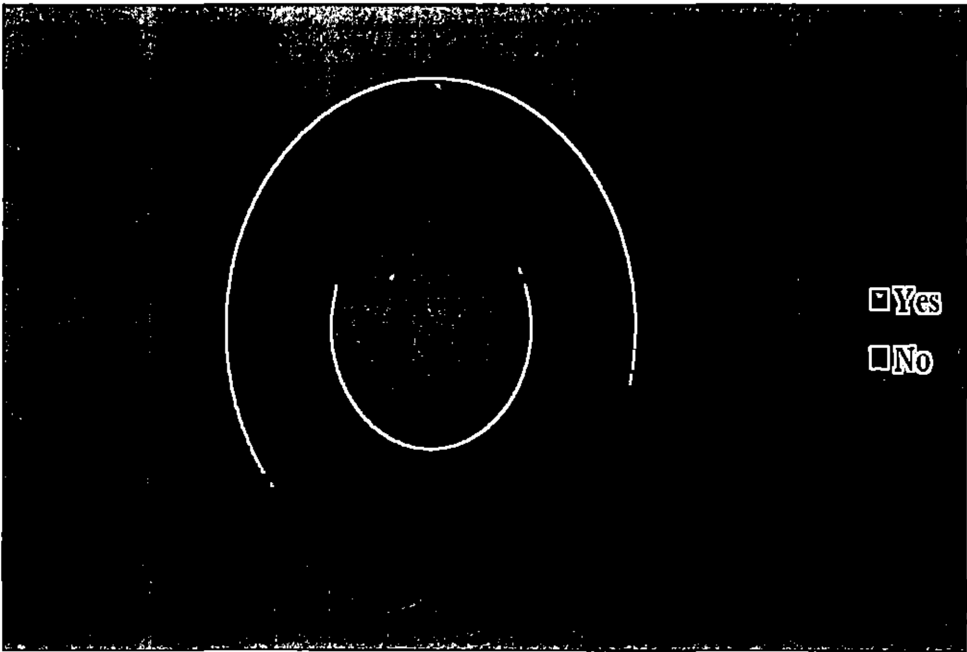
The Right to Life guaranteed to a person would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for clothing has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be suitable accommodation with proper clothing which would allow him to grow in every aspect – physical, mental and intellectual. **Article 25(1) of UDHR emphasizes that 'everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including clothing, housing and medical care etc.'** Every individual needs to be protected from dirt, external heat and cold. Hence adequate clothing is an essential aspect in life.

Table 5.I.A.1: Availability of Adequate Dress to Wear

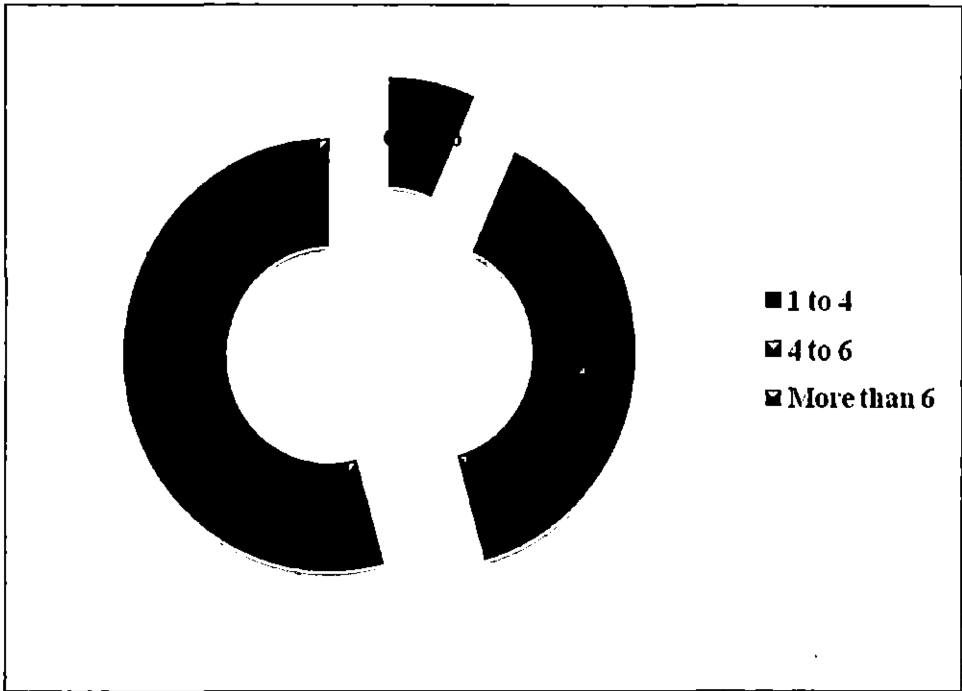
Adequate Dress to wear	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	180	60.00	**4.320**	**1**	**0.038**
No	120	40.00			
Total	**300**	**100.00**			
How many dress do you have					
1-4	20	6.66	**42.180**	**2**	**0.000**
4-6	117	39.00			
More than 6	163	54.33			
Total	**300**	**100.00**			

The above table involves two factors for analysis namely the availability of adequate dress to wear and the availability of number of dresses to wear. With regard to the availability of adequate dress to wear, the above indicates that 60 percentage have said that they have adequate dress to wear whereas 40 percentage have said that they do not have enough dress to wear which shows that many of the tannery workers have a struggle to make their ends meet. The second part of the table shows that 54 percentage have more than 6 sets of dresses to wear in contrast to that 39 percentage have only 4-6 sets of dress to wear. Nearly 7 percent have said that they barely have only 1-4 set of dresses to wear.

Graph 5.8 : Availability of Adequate Dress to Wear



Graph 5.9 : Available number of dresses to wear



I.B. Right to Housing

The right to shelter is one of the principle rights that constitute the entire spectrum of Human Rights jurisprudence. Shelter for a human being, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. **Right to shelter is a fundamental right guaranteed under Article 21 of the constitution of India. The Right to Life includes Right to Shelter and Right to Residence and Settlement.** The Right to housing a human right should be ensured to all persons. Shelter is one of the basic necessities of life, therefore, provision of housing facilities has to be given due importance.

The Human Right to Housing is entraced in a number of International Human Rights Documents such as

(1) The United Nations Universal Declaration of Human Rights – Article 25(1).

(2) The Convention on the Elimination of All Forms of Racial Discrimination 5(e)iii;

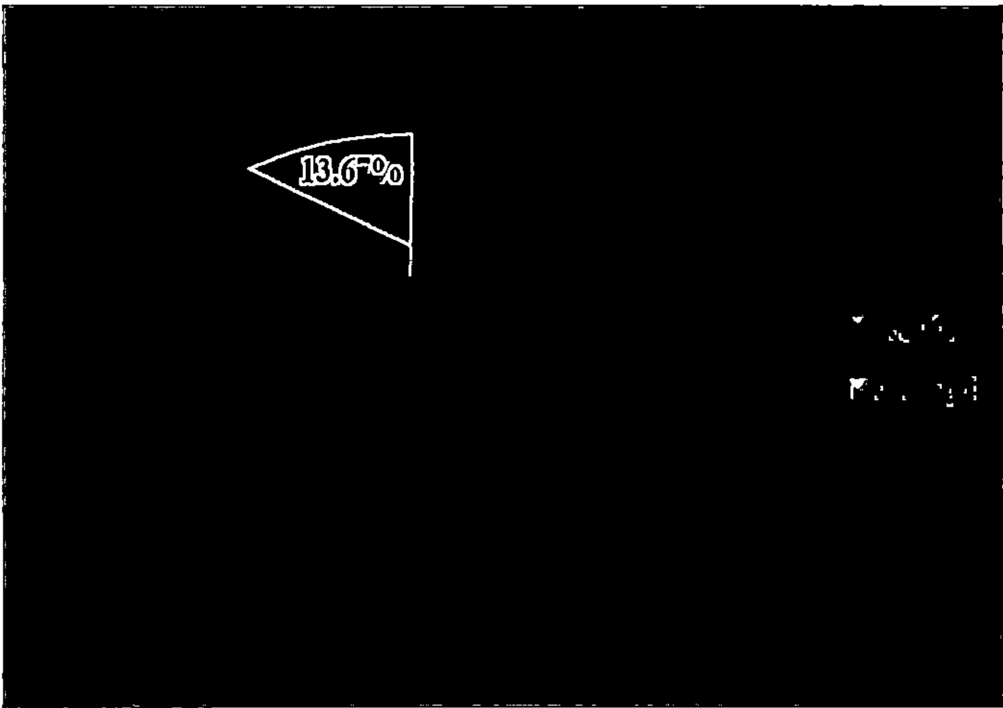
(3) The International Covenant on Economic, Social and Cultural Rights – ICESCR Article 11(1).

Article 25(1) of UDHR provides that 'Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care. Under the Indian Constitution Article 21(e) deals with the Right to shelter.

Table 5.1.B.1: Status and Type of House

Status of house you live	Number	Percentage	Chi - Square	d.f	Sig. Value
Rented	259	86.33			
Owned	41	13.67	**158.413**	**1**	**0.000**
Total	**300**	**100.00**			
Type of house do you live in					
Concrete	26	8.67			
Asbestos	61	20.33			
Thatched	213	71.00	**197.660**	**2**	**0.000**
Total	**300**	**100.00**			

Graph 5.10 : Status of House of the Respondents



House is essential for each individual and his family. It is considered as a basic human need and it occupies a place in first level needs, according to Maslow's need hierarchy theory. It is concerned as a physiological need of every individual. In Human Rights perspective, the right to housing may be defined as the right for every individual to a secure place to live in peace and dignity. **As per Article 21 of the Indian Constitution no person should be deprived of his or her life and personal liberty.**

The Table 5.1.2 involves two components namely the status of house in which the tannery workers live and the type of house they live in. With regard to status of house of the tannery workers the above table indicates that most of the tannery workers i.e., 86 percentage in the study are living in a rented house where as 14 percentage live in the houses owned by them. The second part of the table shows that 71 percentage live in thatched houses while 20 percentage live in houses which has got asbestos sheets covered and 9 percent live in concrete houses.

I.C. Right to Education

Education promotes good and dignified life. Education is a Human Right with an immense power to transform an individual and in turn the society. On its foundation rests the corner stones of freedom, democracy and sustainable human development. Education is desired as it opens up worldwide opportunities and ideas to the educated person. It is also of great instrumental value in the process of economic growth and development. Education plays a critical role in demographic transition, and is seen to be important in the process of economic growth and development.

Education also plays a critical role in the process of lowering fertility and mortality – primary schooling is associated with better health outcomes. There is a strong correlation between literacy and life expectancy. Schooling has been to have a positive impact on agricultural output. In political and

social terms too, schooling creates an educated population and a more constructive citizen. Education empowers and empowerment affects large social processes.

It is universally accepted that education empowers the people for full development of human personality, strengthens the respect for human rights, and helps to overcome exploitations and the traditional inequalities of caste, class and gender.

Articles 45 of Indian Constitution provides for free and compulsory education for all children, until they complete the age of fourteen. The Article 27, of the United Nations Convention on the Right of Child recognizes 'the right of every child to a Standard of living adequate for the child's physical, mental, spiritual, moral and social development'. Further Article 28 of this convention states that **'primary education is made compulsory and freely available to all. It also takes measures to encourage regular attendance at schools and the education of dropout rates'. Article 7(2)(e) of ILO Convention ensures that there is access to free and basic education wherever possible and appropriate.** Vocational training to all children can prevent them from becoming school dropouts.

Table 5.I.C.1: Educational Level of the Respondents

Education	Number	Percentage	Chi - Square	d.f	Sig. Value
Illiterate	17	5.67	151.787	3	0.000
Primary School	105	35.00			
Middle School	147	49.00			
High School	31	10.33			
Total	**300**	**100.00**			

Graph 5.11 : Educational Level of the Respondents

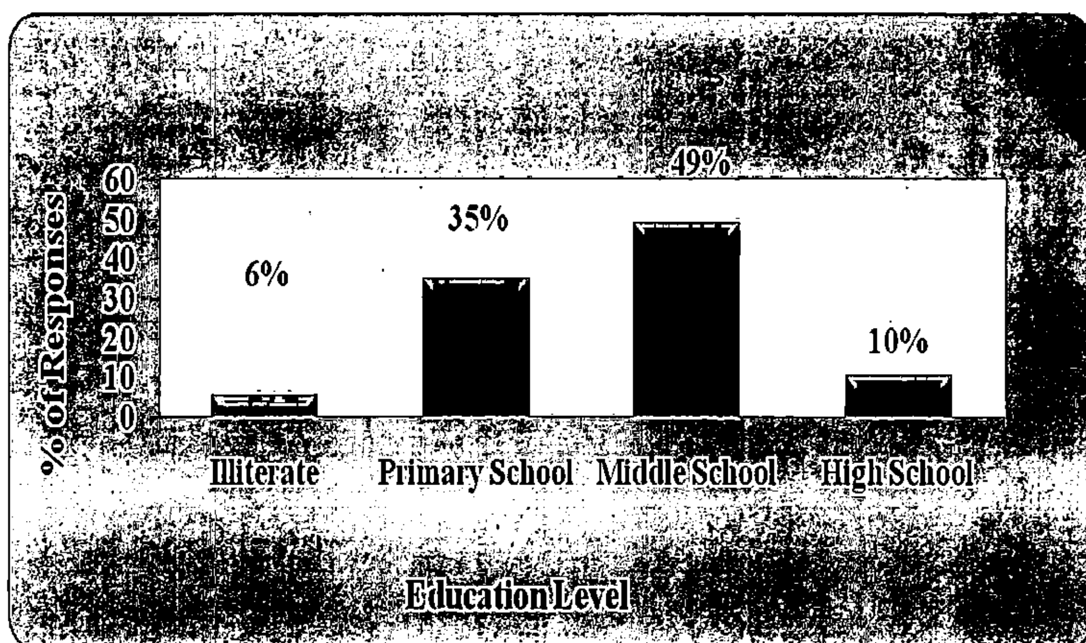


Table 5.3 reveals that out of 300 respondents, 17 workers are illiterates, 105 possessed education up to primary school, vast majority of the respondents numbering 147 had education up to middle school and the remaining 31 respondents possessed high school education. Since all the respondents did not acquire education above high school level, they were engaged in the tanneries owing to lack of income and poverty. The significance value is less than 0.05 and hence we reject the null hypothesis that the respondents are not uniformly distributed over the four levels of education.

I.D. Right to Food

According to the expert group of the planning commission the minimum nutritional requirement of 2400 calories per person per day is considered to be an essential and minimum need of an average person in rural India. Right to adequate nutrition is not such a basic human right but also a basic human need. **Under the Indian Constitution there is no specific right for food but it comes from a much broader Right to Life and Liberty as enshrined in Article 21.**

Article 25(1) of UDHR provides that 'Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food'.

Article 11(1) of International Covenant on Economic, social and Cultural Rights provides that the 'State parties recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food'.

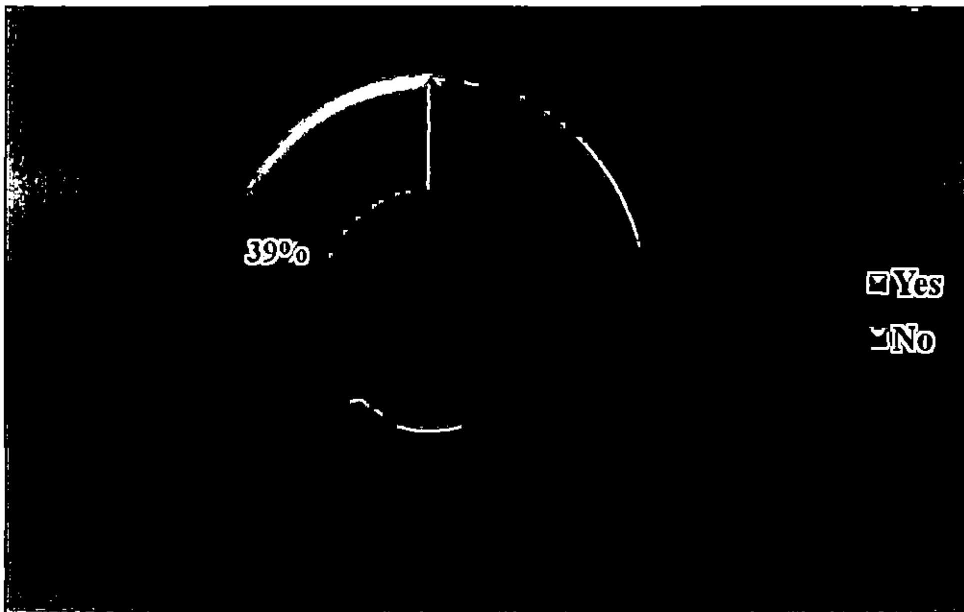
Food should be sufficiently available to everybody in order to survive. The right to health is an integral facet of the right to life. **Under the Indian Constitution Article 47 lays emphasis to raise the level of nutrition and the standard of living of people and to improve public health.** It is essential that food content taken by a person should be nutritious. The purpose to eat is not to satisfy the sense of taste but mainly for the production of energy required to carry out various activities that categorizes life. Indeed. it is energy that rotates the wheel of life. The food that generates energy upon complete oxidation in the body in the form of proteins, carbohydrates and fats. Of course the diet has to be supplemented with a proportionate amount of minerals, vitamins and water.

Table 5.I.D.1 : Availability of Sufficient Food

Do you get sufficient food per day	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	183	61.00			
No	117	39.00	**14.520**	**1**	**0.000**
Total	**300**	**100.00**			
How many times do you have food/day					
2 times Per day	117	39.00			
3 times Per day	183	61.00	**14.520**	**1**	**0.000**
Total	**300**	**100.00**			

The above table analyses the availability and sufficiency of food per day for tannery workers. The table indicates the daily intake of food by the tannery workers. It reveals that 61 percentage do get sufficient food every day, whereas 39 percentage of the workers do not get a square meal for a day.

Graph 5.12 : Availability of Sufficient Food Per Day



II. RIGHT TO SOCIAL SECURITY

Social Security according Lord Beveridge is an attack on five grants viz., want, disease, ignorance, squalor and idleness. This concept is related to social justice and equality. **International Labour Organization defines social security as 'the security that society furnishes, through appropriate organization against certain risks to which members are exposed. Social security is designed to prevent and cure diseases to support when people are unable to earn and restore to gainful employment'.** There are two main aspects of social security namely Social Assistance and Social Insurance. **ILO defines social assistance as 'a service or scheme which provides benefits to persons of small means as of right in amount sufficient to meet minimum standards of need and financed from taxation'.** Thus, social assistance is the obligation of the community or the government. **Social insurance is**

defined as 'the giving in return for contribution, benefits up to subsistence level, as of right and without means tests, so that an individual may build freely upon it. Thus social insurance implies that it is compulsory'.

Social Security Schemes are designed to guarantee at least long-term sustenance to families when the earning member retires, dies or suffers a disability. Thus the main strength of the social security system is that it acts as a facilitator, it helps people to plan their own future through insurance and assistance. The success of social security schemes however requires the active support and involvement of employees and employers. Employers are a source of social security protection for themselves and their family members.

International standards of Social Security

Social Security programmes vary from country to country. However, there are certain common standards. They are

- **Compulsory Participation:** Most of the governments including the so called capitalistic countries participate in and provide social security measures to the poor people and employees at lower levels.
- **Government Sponsorship:** Governments create, supervise and implement various social security schemes. For example, government of Andhra Pradesh provides old age pension, maternity benefits to women agricultural workers etc.
- **Contributing Finance:** The funds necessary to run the social security programmes are the contributions made by the government, employers, etc.
- **Eligibility derived from contributors:** The employees with lower wages and people with small means are eligible. The eligibility is derived to the employees whose employer makes contributions.

- **Benefits Prescribed in Law:** Various Governments enacted the laws in order to enforce the implementation of the social security measures
- **Benefits not directly related to contributions:** Social security benefits are related to the level of the poverty but not to the contributions. The employees with the lowest level of wage are entitled for larger amount of the benefit and vice versa.

Social Security Benefits in Various countries

Germany: A comprehensive social security was originally introduced in Germany, which includes: sickness insurance, accident insurance, old age pension insurance and unemployment insurance. These benefits are provided through wage Earner's Sickness Insurance Act, 1883, The Accident Insurance Act, 1884 and the Invalidity and old Age Protections Act, 1889.

New Zealand: The social security benefits in New Zealand include: Medical care, sickness benefits, unemployment benefits, injury benefit, family benefit, maternity benefit, invalidity benefit, survivors benefit etc.

United Kingdom: The social security benefits in UK include: accident benefits, insurance against unemployment, sickness benefits, health benefits, housing benefits etc.

United Sates of America: Social security benefits include: old age and survivors insurance, disablement benefits, hospital and health care benefits, lay – off compensation etc.

Japan: Social security measures in Japan include: medical care, health insurance, pension, old age, survivor and disablement insurance, unemployment insurance etc.

International convention on social security:

Article 25(i) of Universal Declaration of Human Rights provides that 'Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control'.

SOCIAL SECURITY IN INDIA

Social Security benefits in India are Need Based i.e., the component of social assistance is more important in the publicly managed schemes. In the Indian context, Social Security is a comprehensive approach designed to prevent deprivation, assure the individual of a basic minimum income for himself and his dependants and to protect the individual from any uncertainties. The state bears the primary responsibility for developing appropriate system for providing protection and assistance to its workforce. Social Security is increasingly viewed as an integral part of the development process. It helps to create a more positive attitude to the challenge of globalization and the consequent structural and technological changes.

Social Security legislations in India

Social Security benefits are provided in India through legislations. Workmen's Compensation Act, 1923 enforces the employer to provide compensation to a workman for any personal injury caused by an accident, for loss of earnings etc. The Employees State Insurance Act, 1948 enforces the employers to provide sickness benefits, maternity benefit to women employees, disablement benefit, dependants benefit, funeral and medical benefits.

The Employees Provident Fund and Miscellaneous Provisions Act, 1952 enforces the employer to provide provident fund, deposit linked insurance etc. **The Maternity Benefit Act, 1961** provides for medical benefits, maternity leave etc. **The payment of Gratuity Act, 1952** provides for the payment of gratuity at the time of retirement.

Part IV of the Indian Constitution embraces the principles and policies under Directive Principles of State Policy (Articles 36- 51) pertaining to social security measures which are to be followed by the State.

Article 38(1) of Constitution of India ensures that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political shall inform all the institutions of the national life.

Article 39 of the Constitution of India provides that the State shall, in particular, direct its policy towards securing.

(a) That the citizens, men and women equally, have the right to an adequate means of livelihood.

(b) That the ownership and control of the material resources of the community are so distributed as best to sub serve the common good.

(c) That the operation of the economic system does not result in the concentration of wealth and means of production in the common detriment.

(d) That there is equal pay for equal work for both, men and women

(e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

(f) That childhood and youth are protected against exploitation and against moral and material abandonment.

The constitution under Article 41 provides that the state shall, within the limits of its economic capacity and development , make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement, and in other cases of underserved want. Article 42 of the Constitution of India further directs the State that, it shall make provision for securing just and humane conditions of work and for maternity relief.

In our country labour laws have been codified in consonance with the above principles of State Policy and thoughts of great leaders like Mahatma Gandhi, Pandit Jawaharlal Nehru and Sardar Valla Bhai Patel, Universal Declaration of Human Rights and other principles recommended by International Labour Organization, from time to time. Social security schemes provide protection and safeguards and security against various risks in workers life. **Some of the important labour enactments are The workmen's Compensation Act 1923, Minimum Wages Act, 1948, Payment of Wages Act, 1936, Factories Act, 1948, The Employees State Insurance Act, 1948, The Maternity Relief Act, 1961.** In analyzing the Right to Social Security the researcher has taken certain specific rights under its purview, which are as follows:

II. RIGHT TO SOCIAL SECURITY

II.A. Right to Medical Assistance

II.B. Right to Free Legal Aid

II.A. Right to Medical Assistance

The Constitution envisages the establishment of a welfare state at the federal level as well as at the state level. Providing adequate medical facilities for the people is an essential part of the obligation undertaken by the government in a Welfare State. Article 21 of the Constitution imposes an obligation on the State to safeguard the right to life of every person.

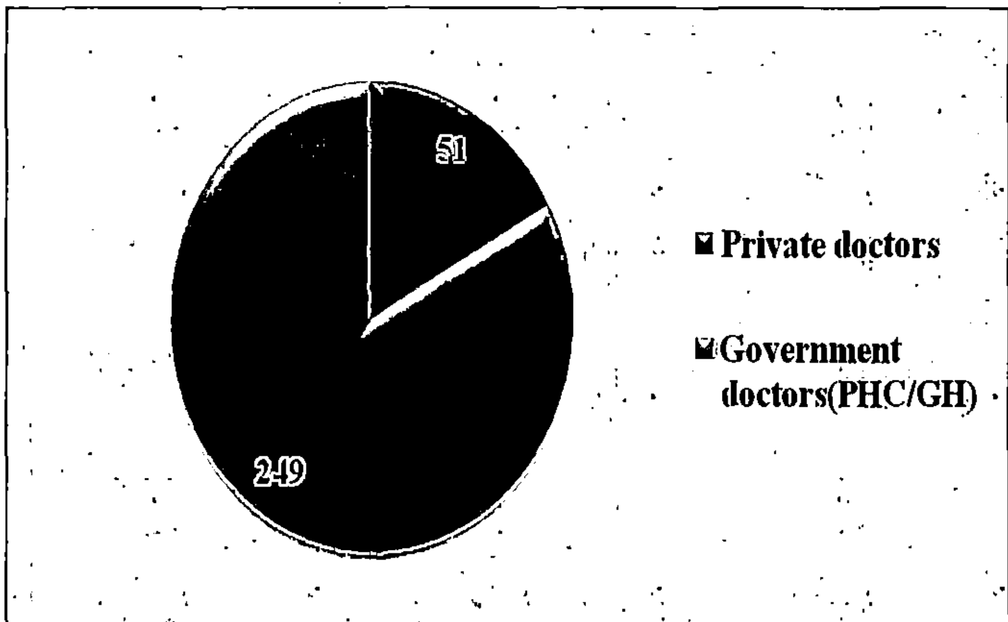
Government Hospitals run by the State are duty bound to extend medical assistance for preserving human life. Failure on the part of the government hospital to provide timely treatment to a person in need of such treatment results in the violation of the right to life under Article 21 of the Constitution. The State is enjoined to take all such action which will promote health, strength and vigour of the workmen during the period of employment and leisure and health even after retirement as the basic essentials of life and happiness and the denial thereof denudes the workman the finer facts of life violating Article 21 of the Constitution. **Article 21 casts the obligation on the State to preserve life and the doctors at the government hospital positioned to meet the state obligations are duty bound to extend medical assistance for preserving.**

Table 5.II.A.1: Medical Aid and Treatment Provided in Government Hospitals

Medical aid is available	Number	Percentage	Chi - Square	d.f	Sig. Value
Private doctors	51	17.00	130.680	1	0.000
Government doctors(PHC/GH)	249	83.00			
Total	**300**	**100.00**			
Treated properly and the medicines available in Government Hospital					
Yes	38	12.67	185.660	2	0.000
No	211	70.33			
NA	51	17.00			
Total	**300**	**100.00**			

Hospital is an important component for any worker in any industry when they fall sick. Usually the workers are covered under the Health Insurance Schemes like Employee State Insurance etc. As these tannery workers are not covered under any insurance scheme most of them go to Government Hospitals at times of sickness. The above table analyses two components, availability of medical aid and treatment provided by government hospitals. With regard to medical aid at time of sickness or disability the table reveals that 83 percentage of them attend Government Hospitals for their medical needs out of which only 13 percentage are satisfied with the treatment provided by the Government Hospitals whereas 70 percentage of the workers were not happy with the treatment of the Government Hospitals. Nearly 17 percentage approach private doctors for their medical ailments with their meager income.

Graph 5.13 : Means of Availability of Medical Aid



Graph 5.14 : Proper Treatment and Availability of Medicines in Government Hospital

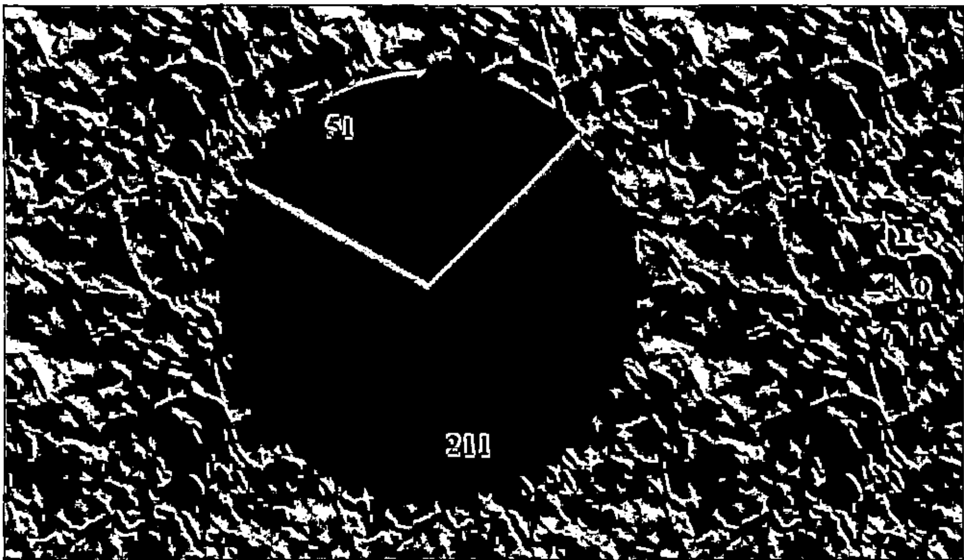
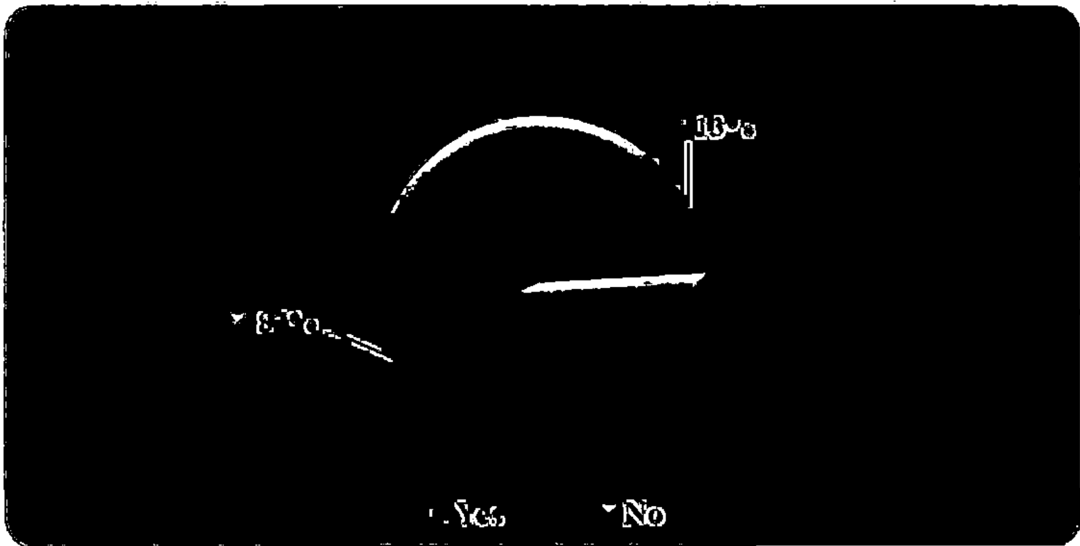


Table 5.II.A.2: Benefit of Health Camps

Do you have the benefit of health camps	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	39	13.00	**164.280**	**1**	**0.000**
No	261	87.00			

Graph 5.15 : Benefit of Health Camps



It is the duty of the employer of any organization to conduct periodic health camps to review the status of health of the workers. The failure on the part of the employers to comply with this duty leads to a situation where the employers are unaware about the health status of the workers. At this juncture the Non-governments Órganizations play a crucial role in conducting health camps to those employed in industries prone to health problems. Periodic Health camps assume importance particular to those employed in tanneries where the employees are prone to be affected from occupational health problems. In this regard the above table indicates that the only 13 percentage of the respondents availed the benefit of health camps and the remaining 87 percentage said that they did not avail the benefits of health camps either through the employer or through NGO's.

II.B. Right to Free Legal Aid

One of the notable recent developments in human society is its concern to provide for legal aid so that equality before law becomes meaningful. In a Welfare State like India, Law must become an instrument of social and economic justice and ensure equality before law and equal protection of law to all citizens. In our Constitution, as enacted, only one article had something to say relating to legal assistance. **It is Article 22(1) and it provides that no person who is arrested shall be denied the right to consult and to be defended by a legal practitioner of his choice. Thereafter, the Constitution (Forty-Second Amendment) Act, 1976 inserted a new Article 39-A dealing with equal justice and free legal aid.** It lays down the principle **'to promote equal justice and to provide free legal aid to the poor'. Article 21 declares that 'no person shall be deprived of his life or personal liberty except according to procedure established by law'.** This right is available to both citizens and non-citizens. **The Supreme Court in Maneka Case (1978) in its judgment has declared a list of rights as a part of Article 21. One such right is the Right to free legal aid.** A poor worker in case of incurring any

injury at workplace has the right to get compensation through free legal aid. But most of the workers are unaware about the existence of such right. When the workers are denied compensation by the owner at times of injury, he has the right to fight against the owner through exercising the right to free legal aid.

Table 5.II.B.1: Awareness on Free Legal Aid

Are you aware of the free legal aid	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	57	19.00	115.320	1	0.000
No	243	81.00			
Total	**300**	**100.00**			

The awareness about the free legal aid is absent in majority of the tannery workers which accounts to 81 percentage as revealed from the survey.

Graph 5.16: Awareness on Free Legal Aid

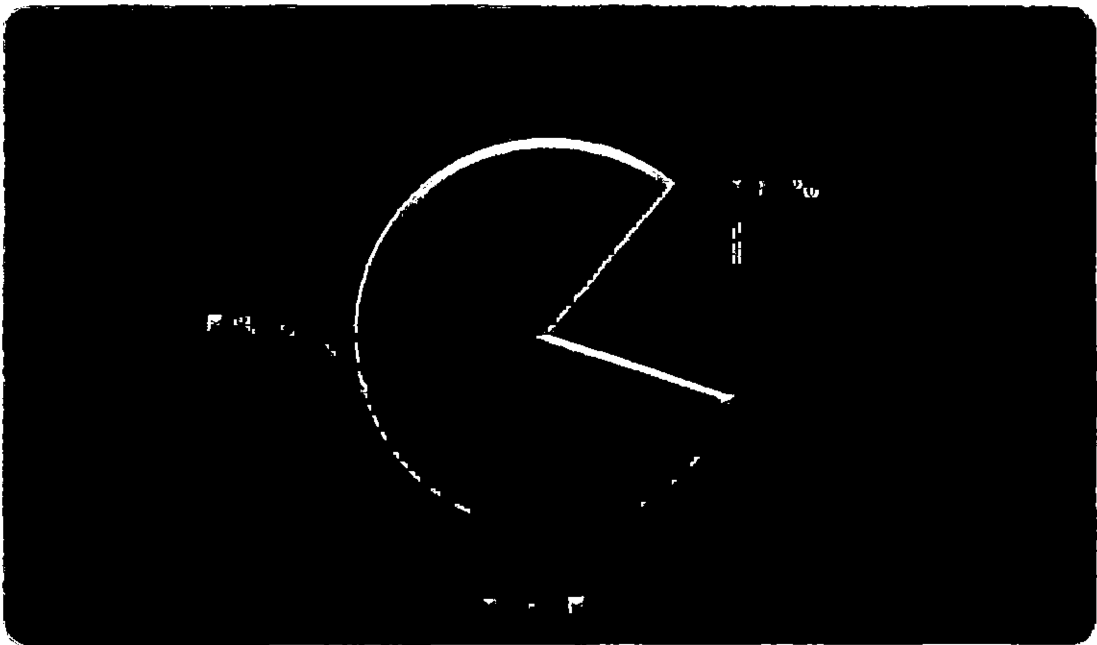
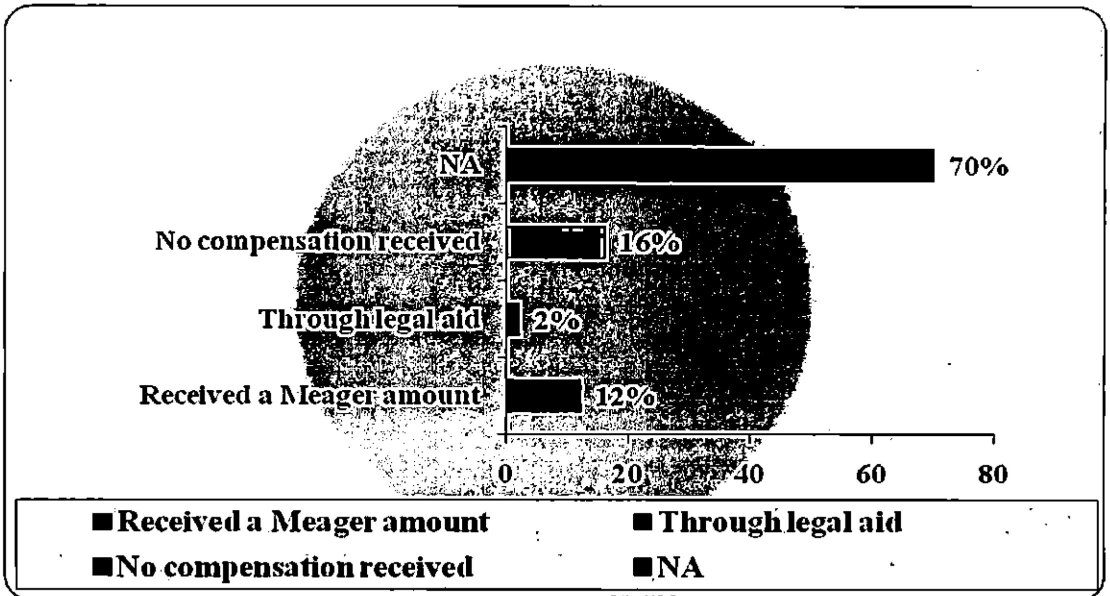


Table 5.II.B.2: Work related Injuries and its Compensation

Have you faced any work-related injuries	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	90	30.00	48.000	1	0.000
No	210	70.00			
Total	300	100.00			
How do you get compensation					
Received a Meager amount	37	12.33	335.120	3	0.000
Through legal aid	7	2.33			
No compensation received	46	15.33			
NA	210	70.00			
Total	**300**	**100.00**			

The above table analyses two variables, facing work related injuries and the compensation acquired for work related injuries. With work related injuries 30 percentage of the workers had met with various work related injuries, out of the 30 percent only 12 percentage of the workers have received a meager amount as compensation, while 15 percentage did not receive any compensation and the remaining 2 percentage of the workers who sustained injuries received compensation through free legal aid.

Graph 5.17 : Compensation Received by the Respondents at times of Injury



III. Tannery Worker's Social Security Welfare Board

In order to provide certain welfare facilities to the workers employed in factories and in various establishments, the **Tamil Nadu Labour Welfare Board was established in the year 1975** under the provisions of **Tamil Nadu Labour Welfare Fund Act, 1972.** The Government of Tamil Nadu has formed the Welfare Boards for the workers in the unorganized sector. One such board is the **Tamil Nadu Footwear and Leather Goods Manufacturers and Tannery Workers Social Security and Welfare Board** established for the welfare of the tannery workers. Under the **Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 the Governor of Tamil Nadu had made the Scheme entitled Tamil Nadu Footwear and Leather Goods Manufacturers and Tannery Workers Social Security and Welfare Scheme, 2006.** This scheme mentions about the Tannery Workers Social Security Welfare Board, the composition of the board, the functions of the Board, the terms for the conditions of membership and other related activities of the Board with regard to the welfare of tannery workers.

Table 5.III.1: Registered Members of Tannery Worker's Social Security and Welfare Board

Registered member of Tannery Workers Social Security and Welfare Board	Number	Percentage
Yes	0	0.00
No	300	100.00
Total	**300**	**100.00**

The above table indicates the poor awareness prevailing among the tannery workers about the existence of Tannery Workers Social Security Welfare Board as none of the respondents were aware of it. The researcher observed that the poor awareness accounts to the deprival of the benefits and services extended by the Board towards the welfare of the tannery workers.

Thus the analyses of this Chapter reveals the Socio-Economic Status of Tannery Workers in Vanniambadi taluk of Vellore District . It is evident from the analyses that the living condition of tannery workers is in a deplorable state and requires immediate attention to elevate the status of these workers. The pitiable state is revealed specially in the aspects of Right to live with human dignity and the Right to social security.

Chapter - 6

Analysis of Violation of Human Rights and Issues of Tannery Workers at Work Place

CHAPTER - VI

ANALYSES OF VIOLATION OF HUMAN RIGHTS AND ISSUES OF TANNERY WORKERS AT WORK PLACE

This Chapter analyses the issues of Tannery Workers at Work Place. The Right to Just and Humane conditions of Work covers various issues at work place such as the general work conditions, housekeeping, work climate and facilities, material handling at work place, emergency preparedness, personal protective equipment, equipment machinery, welfare amenities and the right to form trade union. Since the research is based on the rights of tannery workers the issue of pollution and occupational health problems assumes key significance. Hence through the Right to Protection from Occupational Health Problems the researcher intends to study the right to pollution free environment and occupational health problems.

I. JUST AND HUMANE CONDITIONS OF WORK

To analyze the Right to Just and Humane Conditions of Work the researcher has taken certain specific rights under its purview, which are as follows.

I.A. General Work Conditions

I.B. Housekeeping

I.C. Work Climate and Welfare Amenities

I.D. Material Handling

I.E. Emergency Preparedness

I.F. Personal Protective Equipment

I.G. Equipment Machinery

I.H. Right to Form Trade Union

I.A. General Work Conditions

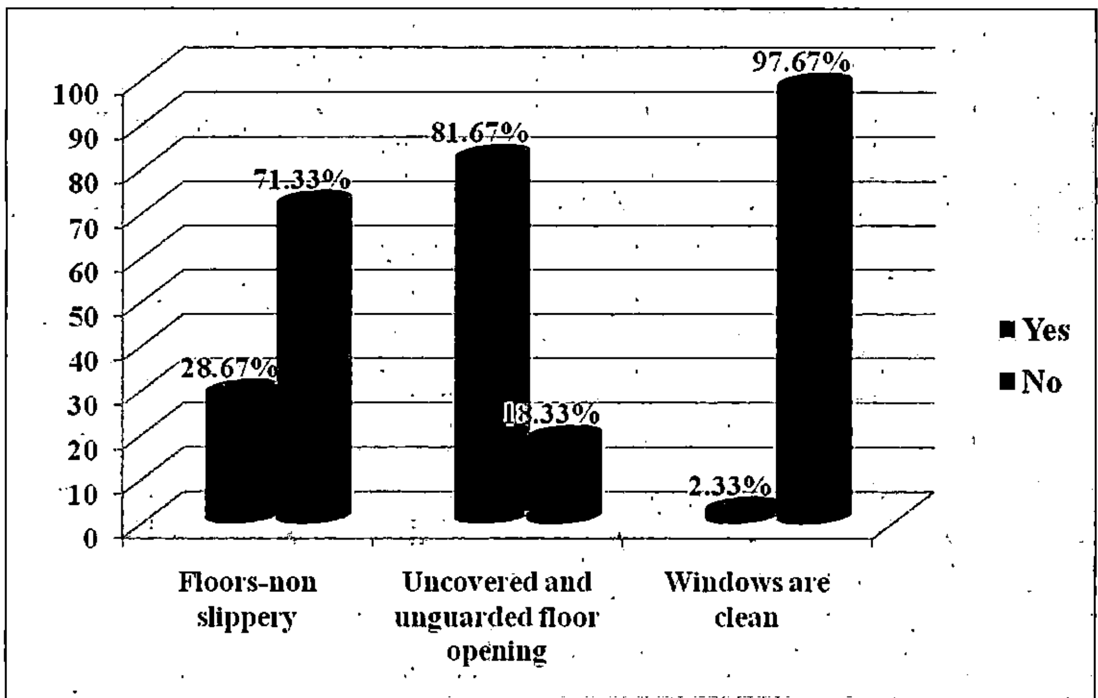
Work place environment and conditions influence workers in tanneries. Uneven and at some places broken floor and uncovered drainage prevent the movement of trolleys and require the material and other inputs to be carried manually from the stores to the work area or from one production stages to the next. Due to this reason workers in tanneries are overburdened with manual work load since they are utilized instead of trolleys with heavy loads. Hence slippery, uncovered and unguarded floors pose a threat to the safety and health of Tannery workers. Simple action of improving the floor will allow easy and safe transfer of materials and chemicals in tannery and would also improve the general work conditions in the tannery. Slippery floors, uncovered and unguarded floor opening, clean windows are some of the key conditions that can have an effect on safety and health of workers.

Table 6.I.A.1: Maintenance of Floors and Windows

Floors-non slippery	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	86	28.67	**54.613**	**1**	**0.000**
No	214	71.33			
Total	**300**	**100.00**			
Uncovered and unguarded floor opening					
Yes	245	81.67	**120.333**	**1**	**0.000**
No	55	18.33			
Total	**300**	**100.00**			
Windows are clean					
Yes	7	2.33	**272.653**	**1**	**0.000**
No	293	97.67			
Total	**300**	**100.00**			

The above table analyses three factors, the nature of floors, cleanliness of windows and the floor openings. In any industry the general working conditions should be ideal for the workers to perform. The above table indicates that 71 percentage of the workers states that the workshop floors were slippery and 82 percentage of them felt that the floors had uncovered openings. They also felt that the windows were not clean which account to 98 percentage.

Graph 6.1 : Maintenance of Floors and Windows



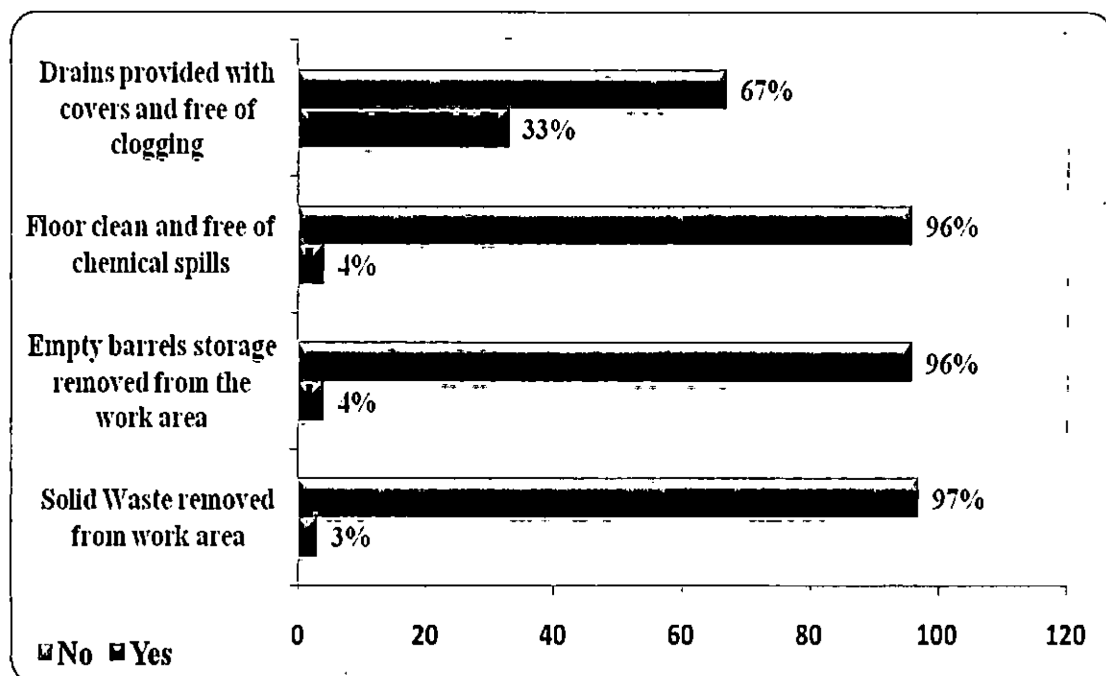
I.B. Housekeeping

In any Organization Housekeeping plays an important role in ensuring cleanliness and providing proper environment to work for the workers. The role of Housekeeping assumes more importance when it comes to tanneries where workers always work in an unhealthy and unhygienic environment. Hence the task of housekeeping involves removing the solid waste from the work area, removing empty barrels stored from the work area, keeping the floor clean and free of chemical spills and provision of drains with covers and free of clogging. All the above aspects when monitored and supervised in an effective manner would result in efficient housekeeping.

Table 6.I.B.1: Housekeeping

Solid Waste removed from work area	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	10	3.33			
No	290	96.67	**261.33**	**1**	**0.000**
Total	**300**	**100.00**			
Removal of empty barrels					
Yes	12	4.00			
No	288	96.00	**253.920**	**1**	**0.000**
Total	**300**	**100.00**			
Floor clean and free of chemical spills					
Yes	**12**	**4.00**			
No	**288**	**96.00**	**253.920**	**1**	**0.000**
Total	**300**	**100.00**			
Drains provided with covers and free of clogging					
Yes	99	33.00			
No	201	67.00	**34.680**	**1**	**0.000**
Total	**300**	**100.00**			

Graph 6.2 : Housekeeping Facilities



The Table 5.3.2 analyses four important factors of housekeeping namely the removal of solid waste from the work area, removal of empty barrel storage from the work area, cleanliness of the floor free from chemical spills and the presence of drains with covers. In this regard the table indicates that 97 percentage of the respondents have said that the solid waste was not removed from the work area. Workers accounting to 96 percentage said that the empty barrels were not removed from the work area and 96 percentage of them were of the opinion that the chemical spills was present in the floor area. Sixty Seven percentage said that the drains were not provided with covers and had clogging. This shows the unhygienic conditions prevailing in the tanneries.

I.C Work Climate And Welfare Amenities

Working environment and work conditions influence work force behaviour and practices and thereby indirectly cause accidents or health risks.

Such factors include:

- **Disorder at the work place**
- **Noise**
- **Temperature and humidity**
- **Ventilation**
- **Lighting**

Proper Ventilation is very important in certain industries such as chemicals, metallurgy, leather tanning, pottery, brick-kilns, meat and fish processing, manufacture of matches and fireworks. Labour Bureau surveys and field studies by individual researchers have noted the poor ventilation (Labour Bureau 1996; 1981, Sekar 2003;Gosh 2004; Vidyasagar and Kumarababu 2001; Jeyarajan 2002). Some studies have also identified health hazards (for example respiratory diseases) that can be directly related to inadequate ventilation at work place and long exposure to dust and fumes (Roy2000). One consequence of inadequate ventilation has been the shift of work to late evenings and nights during hot summers (Pais 2003)

A study in the leather accessories manufacture in Mumbai shows that about half the work force has been denied access to this minimum ventilation. Adequate ventilation is also essential to provide for fire safety. It was found that workers in leather accessories manufacture worked under inadequate ventilation and illumination.

Proper illumination is necessary to protect not only the workers eyes but also from injuries such as from moving parts of machines and sharp cutting tools. Adequate illumination of the work place is required in general but specifically for three reasons. One, the work after sunset means appropriate lighting for night work is necessary. Two, as certain production involves intricate operations that are performed manually by the workers using hand

tools. Three, as the main raw inputs can be of different colours, textures and surfaces appropriate lighting is essential for matching the colour and textures as in carpets weaving. Appropriate lighting is necessary in the manufacture of leather footwear or accessories, in operations involving cutting leather and assembling the leather accessories so that the grain is maintained. In the unorganized sector, where a large part of the work is done on piece rates and the workers end up paying penalty for mistakes, errors and bad quality of work due to inadequate illumination is a double punishment.

Welfare means faring or doing well. It is a comprehensive term, and refers to the physical, mental, moral, and emotional well being of an individual. Further, the term welfare is a relative concept, relative in time and space. It, therefore, varies from time to time, from region to region and from country to country.

Labour welfare also referred to as betterment work for employees, relates to taking care of the well being of workers by employers, trade unions, and government and non-governmental agencies. The Royal commission on Labour reported that 'Labour welfare is a term which must necessarily be elastic, bearing a somewhat different interpretation in one country from another, according to the different social customs, the degree of industrialization and educational level of the workers. The ILO at its Asian Regional Conference, defined labour welfare as a term which is understood to include services, facilities and amenities as may be established in vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to provide them with amenities conducive to good health and high morale.

Labour Welfare has two aspects – negative and positive. On the Negative side, labour welfare is concerned with counter acting the baneful effects of the large – scale industrial system of production – especially capitalistic, so far as India is concerned- on the personal / family, and social life

of worker. On its positive side, it deals with the provision of opportunities for the worker and his / her family for a good life as understood in its most comprehensive sense. There are two types of welfare measures that can be provided to workers such as Welfare measures inside the work place and Welfare measures outside the work place.

Welfare Measures inside the work place

The welfare measures that can be provided to a worker inside the work place are good conditions of work environment, conveniences, workers health services, women and child welfare, workers recreation, employment follow up, economic services, labour management participation and workers education.

Welfare Measures outside the Work Place

The welfare measures that can be provided to a worker outside the work place are housing, water, sanitation, bank, transport, schooling facilities for children, co-operatives, consumer and credit societies, communication, health and medical services, recreation, watch and ward, community leadership programme etc.

The Factories Rule 1950, under schedule IX makes special provisions for washing facilities, mess – room and cloak room. It specifies that there shall be at least one wash basin for every ten such persons employed at any time, fitted with a waste pipe and plug having a constant supply of water and sufficient supply of nail brushes, soap or other suitable cleaning material and clean towels. It further lays down that there shall be a suitable mess – room, adequate for the number remaining on the premises during the meal intervals, which shall be furnished with sufficient tables and benches. The mess – room shall be separate from any room or shed in which hides or skins are stored, treated or manipulated and be separated from the cloak – room and be placed under the charge of a responsible person.

Table 6.I.C.1: Work Climate

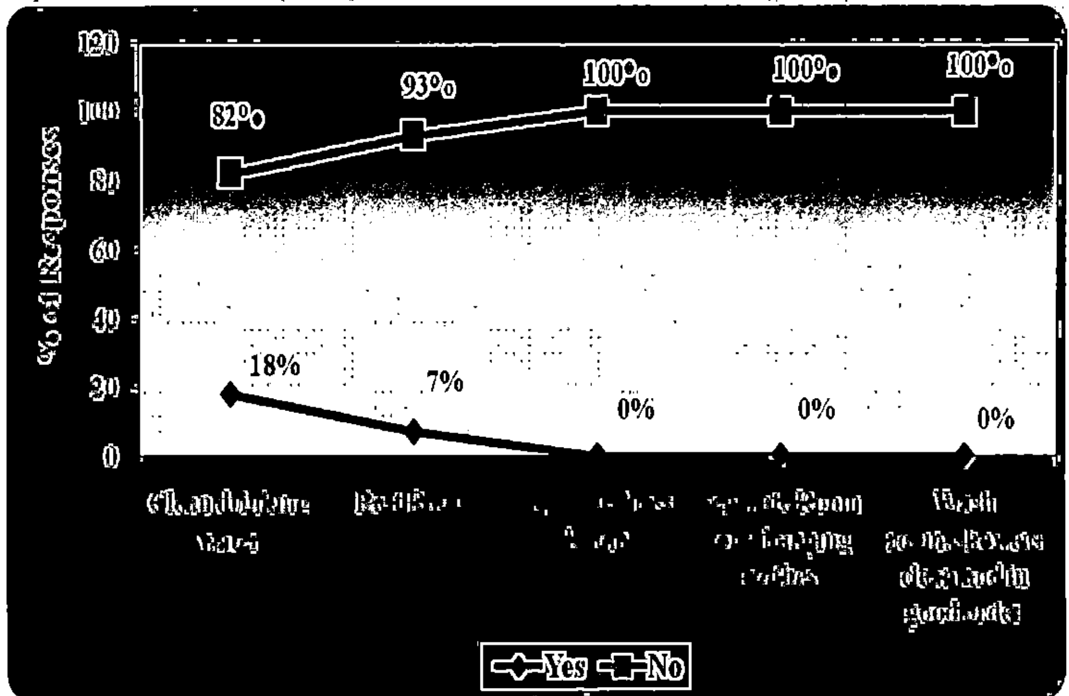
Ventilation in place and working	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	135	45.00	3.000	1	.083
No	165	55.00			
Total	300	100.00			
All lights working & fitting clean and free of corrosion					
Yes	104	34.67	28.213	1	0.000
No	196	65.33			
Total	300	100.00			

The above table on Work Climate analyses two components namely, the presence of ventilation and the working condition of lights for proper illumination. In this regard the above table indicates that 55 percentage of the workers felt that the ventilation in the work place was not enough and 65 percentage said that all the light fittings were not clean and had corrosion.

Table 6.1.C.2: Welfare Amenities

Clean drinking water	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	53	17.67			
No	247	82.33	**125.453**	**1**	**0.000**
Total	**300**	**100.00**			
Rest Room					
Yes	20	6.67			
No	280	93.33	**225.333**	**1**	**0.000**
Total	300	100.00			
Separate Mess Room					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Separate Room for Changing clothes					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Wash room, showers clean and in good order					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Transportation					
Yes	0	0.00			
No	300	100.00			
Total	300	100.00			
Lunch					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Tea					
Yes	300	100.0			
No	0	0.00			
Total	**300**	**100.00**			

Graph 6.3 : Welfare Amenities Available at Work Place



Welfare measures are an integral part of any industry. In this regard the table 5.3.4 analyses the provision of welfare measures in the tanneries with respect to clean drinking water, rest room, separate mess room, separate room for changing clothes, wash room, showers clean and in good order, transportation, lunch and tea. The above table on facilities explain about the basic facilities which the worker should have in their work place. 82 percentage of the workers said that they do not have clean drinking water, 93 percent said that there is no rest room facilities, all the respondents unanimously felt that they do not have a separate mess room, separate room for changing clothes, wash rooms and good shower facilities, transportation and lunch. All the workers said that they are provided with tea.

I.D. Material Handling

More than 250 different chemicals are used in the production of leather. Workers in the tannery are exposed to these chemicals in various ways. Though each chemical is not necessarily hazardous to human health one must be aware that the inherent source of the hazard can be either the chemical itself,

any emission generated during the use or handling of the chemical (eg. Vapours, fumes, effluent) or the containers used for storage and transport of these chemicals. The impact of such exposure can range from temporary effects such as dizziness, headache, irritation of eyes, skin or lungs, allergic reactions, collapse due to lack of oxygen, poisoning of liver, kidney, nerval system to long term impairments such as ulcer, bronchitis, genetic defects and, in some rare cases, even instantaneous death.

Besides the adverse effects on human body, chemicals can be the source and the cause of fire, corrosion and damage to structures and electrical installations and may have a harmful effect on the surrounding environment when released in an uncontrolled manner. Hence all chemical containers of chemicals used should be labeled, marked and covered with lids. The taps should be closed. Also combustible/flammable material should be kept away from ignition sources. The raw materials should be kept on pallets or tables and should be moved using trolley in order to avoid unsafe and unhealthy working conditions.

Information on chemical container labels

- Trade name of chemical
- Identity of chemical
- Name, address and telephone number of supplier
- Hazard symbols
- Nature of the special risks associated with the use of the chemical
- Safety precautions
- Identification of the batch statement
- Data sheet giving additional information
- Classification assigned under the system established by the competent authority.

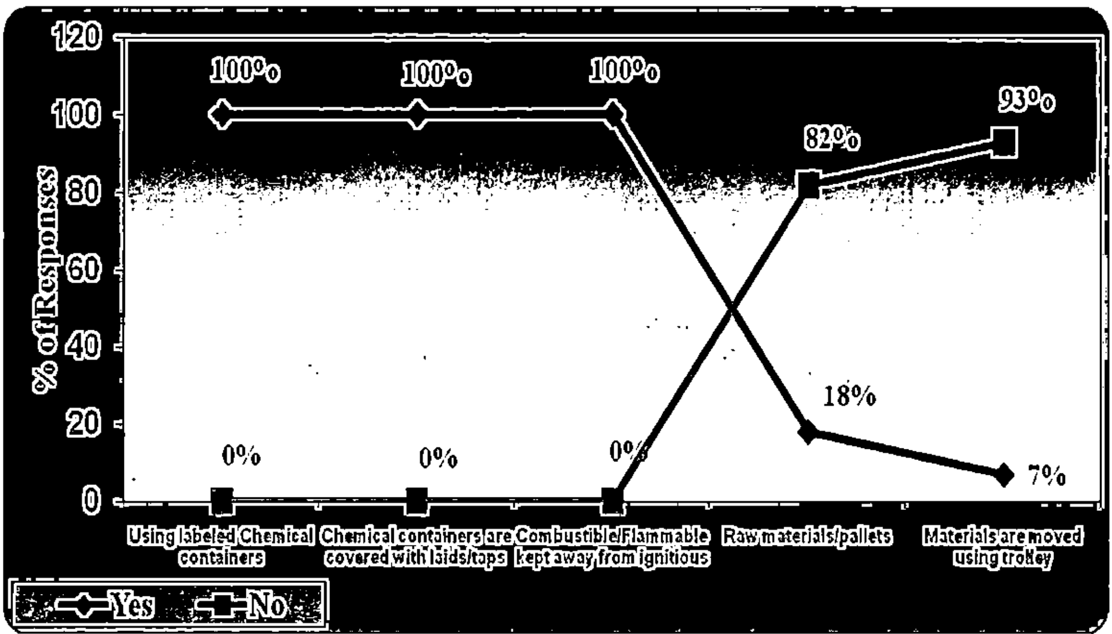
Table 6.I.D.1: Material Handling

Labeled Chemical containers	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	300	100.00			
No	0	0.00			
Total	**300**	**100.00**			
Chemical containers are covered with lads/taps are closed					
Yes	300	100.00			
No	0	0.00			
Total	**300**	**100.00**			
Combustible/Flammable kept away from ignitions					
Yes	300	100.00			
No	0	0.00			
Total	**300**	**100.00**			
Raw materials are kept on tables/pallets					
Yes	55	18.33			
No	245	81.67	**120.333**	**1**	**0.000**
Total	**300**	**100.00**			
Materials are moved using trolley					
Yes	22	7.33			
No	278	92.67	**218.453**	**1**	**0.000**
Total	**300**	**100.00**			

The table on material handling analyses factors such the labeling on chemical containers, chemical containers covered with lids, taps are closed, combustible/flammable material kept away from ignition sources, raw

materials kept on pallets/ tables, movement of materials. In this regard all the respondents said that the chemical containers are all labeled and covered with lids/taps and are kept away in safer places to avoid combustion, 82 percentage of the workers said that the raw materials were not kept in racks/tables and 93 percentage of the workers did not have the facility of the trolleys to shift the raw materials from one place to another.

Graph 6.4 : Material Handling



I.E. Emergency Preparedness

Despite all precaution, occurrence of emergencies in factories cannot be ruled out. An efficient management is always prepared to deal with emergencies. Workers, supervisors, managers are exposed to a variety of external safety risk and health hazards at the work place. Though the probability of accidents can be brought down by taking preventive and precautionary measures, response to a medical emergency should be prepared and equipped. Immediate and correct reactions with the facilities available are decisive for the rescue and full recovery of the victim. First medical aid is the first step in the line of medical emergency response.

First Aid box/kit

First Aid boxes should be kept in easy access. In small tanneries one box kept in the administration of the tannery may be sufficient. In large tanneries, additional boxes should be kept in areas with high or special safety risks and health hazards. Some of the essential items to be available are

- Antiseptic lotions, powder or cream, sterile dressing in dust proof packets
- Adhesive plaster
- Triangular bandage
- Scissors
- Burn cream

Eye Rinsing / Safety Shower / Washing facilities

In cases such as spill / splashing of chemicals into eyes or on skin, immediate facilities to clean the affected part of the body must be made available. Emergency washing facilities should be available in or nearby the chemical store.

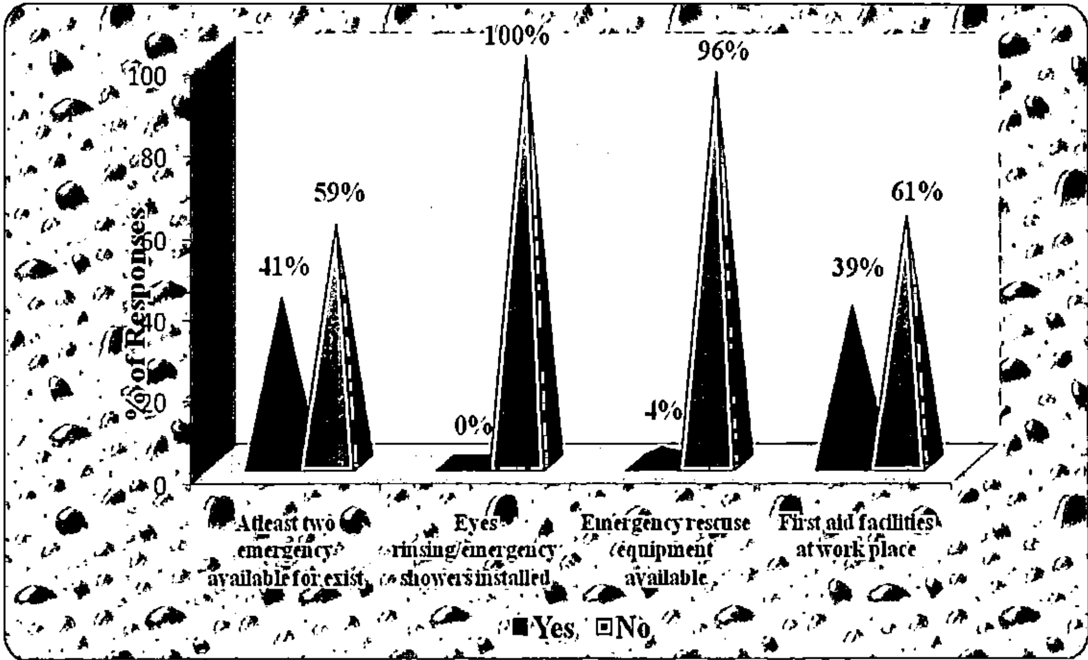
Confined Space rescuing equipment in Tanneries

Confined space (e.g., Manholes, storage tanks, underground tanks, pits, wells) in tanneries can be risky to enter for likely presence of gas (hydrogen sulphide, methane) or lack of oxygen. Equipment to be kept ready for rescue operation includes self contained breathing apparatus or airline supply system, Safety harness with life line.

Table 6.I.E.1: Emergency Preparedness

At least two emergency exits available for exit	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	124	41.33	**9.013**	**1**	**0.003**
No	176	58.67			
Total	**300**	**100.00**			
Eyes rinsing/emergency showers installed					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Emergency rescue equipment available					
Yes	12	4.00	**253.920**	**1**	**0.000**
No	288	96.00			
Total	**300**	**100.00**			

Graph 6.5 : Emergency Preparedness



The Table 5.3.6 analyses the emergency preparedness of tanneries which involves the presence of emergency exits, installations of eye rinsing and emergency showers and the availability of emergency rescue equipment. In this regard 59 percentage of the tannery workers said that they were working in a place which does not have emergency exits. All the workers felt that they do not have the facilities installed for eye rinsing or emergency showers and 96 percentage of the respondents are of the view that emergency rescue equipment is not available for them.

Table 6.I.E.2: Availability of First Aid Equipment

First aid facilities at work place	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	116	38.67	**15.413**	**1**	**0.000**
No	184	61.33			
Total	**300**	**100.00**			
Do you have cautionary notice on anthrax					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Effect of chrome on the skin					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Position of first-aid or cupboard and the name of the person in-charge					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			

The above table analyses the availability of first aid equipments at workplace. In this regard 116 respondents have said that they avail first aid facilities at workplace where as the remaining 184 respondents do not avail first aid facilities at workplace and remain unsecure. All the respondents came out with an outcry that there is no cautionary notice on anthrax and the effect of chrome on the skin and notices regarding the position of first aid and the name of the person in charge for first aid facility which has been specified in the Factories Rules 1950.

I.F. Personal Protective Equipment (PPE)

Important components of physical conditions of work are space, volume, ventilation, illumination, temperature, humidity, hygiene and cleanliness. Also important is the provision of protective equipment against loss of life and limbs. Numerous studies have pointed out the poor working conditions in the unorganized sectors in India. In survey after survey and industry after industry, researchers have noted that physical conditions of workers are inhuman. Studies in the leather tanning industry have found that workers without footwear worked for long hours with their bare feet soaked in chemicals, animal wastes and decomposing offal (Usha 1984; Banerjee and Nihila 1999; Nihila 2002).

The use of PPE and clothing is a solution for dealing with health hazards and safety risks at the work place. The most commonly needed personal protective equipment in tanneries and effluent treatment plants are

- Protective clothing (gloves, safety shoes / boots, aprons);
- Hearing protection;
- Protective goggles and shields and
- Respirators

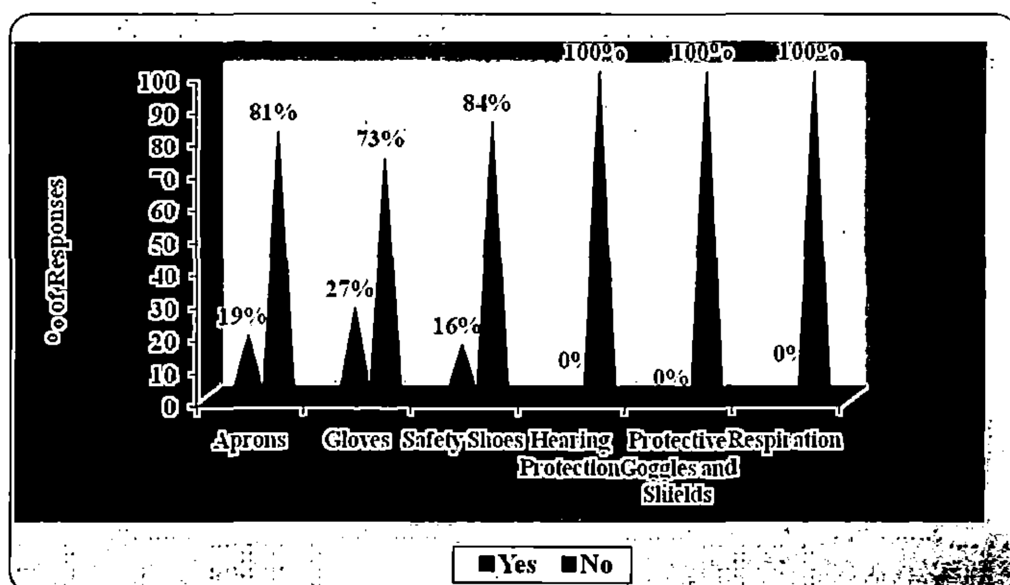
should be provided and worn in all wet processing areas of the tannery and effluent treatment plant and while handling chemicals.

The Schedule IX of Factories Rules, 1950 makes special provisions for protective clothing for workers in tannery. It makes special emphasis on provision of water proof foot wear, leg coverings, aprons and gloves for persons employed in process involving contact with chrome solution; gloves and boots for persons employed in lime yard; and protective foot wear, aprons and gloves for persons employed in processes involving the handling of hides or skins.

Table 6.I.F.1: Availability of Personal Protective Equipment

Aprons	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	56	18.67	**117.813**	**1**	**0.000**
No	244	81.33			
Total	**300**	**100.00**			
Gloves					
Yes	81	27.00	**63.480**	**1**	**0.000**
No	219	73.00			
Total	**300**	**100.00**			
Safety Shoes					
Yes	47	15.67	**141.453**	**1**	**0.000**
No	253	84.33			
Total	**300**	**100.00**			
Hearing Protection					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Protective Goggles and Shields					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			
Respirators					
Yes	0	0.00			
No	300	100.00			
Total	**300**	**100.00**			

Graph 6.6 : Availability of Personal Protective Equipment



The Table 5.3.8 analyses the availability of personal protective equipment for the workers in tanneries. The important protective equipments to be provided for tannery workers include aprons, gloves, safety shoes, hearing protection, protective goggles and shields and respirators. Provision of safety devices is mandatory in any industry especially hazardous industries like tanneries. In this regard 81 percentage of the workers said that they were not provided with aprons, 73 percentage came out with the grievance that they were not provided with gloves while handling materials in tanneries and 84 percentage said that they were not given safety shoes to be worn during their work time. All the respondents were of the opinion that they were not given protective goggles, shields and protective devices like ear masks, respirators etc. This reveals the unsafe working conditions of the tannery workers.

I.G. Equipment Machinery

Machines and mechanical equipment play an important role in modern tanneries. Though these result in increased productivity, their use has also introduced new hazards in to the tanneries. Dangers from machines exist in several specific locations such as at the point of operation, where the power is transmitted to machines and around any moving parts of the machine.

Operation on machines causes emissions (eg. Noise, dust, heat, vapours) and / or slippery floor conditions around the machine, which pose serious hazards, if not contained at their source with appropriate engineering devices of proper maintenance.

Accidents that happen in Tanneries

- Trapping of fingers / forearms between rollers and bladed cylinders of shaving, fleshing and setting machines
- Trapping of finger / forearms between belts and pulleys of drive of drums, paddles and other machines
- Trapping of fingers between glass roll and bed of glazing machine.
- Hit by moving protruding parts of machines such as drum door handle, moving link / glazing arm of glazing jack, entanglement between roller and blades of Slocomb staking machine
- Trapping of fingers / arms between plates of a hydraulic press
- Contact with the grinding wheel of a shaving machine
- Contact with knife band of splitting machine
- Contact with rotating fleshing cylinder
- Contact with live parts of electrical installations on the machine
- Contact with hot plates of plating machine, vacuum dryer and boiler system
- Hit by parts of disintegrating grinding stones.

Availability of Passive Safety Device

Passive safety devices are guards, fences or covers which serve as a barrier to prevent contact of workers with moving machine parts such as Prime movers, belts, open gears, transmission parts and other moving parts of machine.

Availability of active guards

Machines such as cylinder, multi – roller, splitting machines and presses should be provided with active safety devices (e.g., dynamic guards operated by pneumatic, ultrasonic, optical or electrical basis). Active guards are designed and installed in such a way that these immediately stop or reverse the process when actuated. These prevent workers hands / fingers and other body parts from getting drawn in to and caught in the machine.

Proper Sitting of Machine

A good machine foundation contributes to longer life of the machine. Proper leveling when installing multi – roller machines avoids fast wear of cylinders and bearings as well as keeps maintenance cost low. It ensures good product quality. While installing machine atleast one meter (three feet) distance should be available around the machine. This allows space for maintenance, easy handling of material in process and daily baring and removal of waste.

Standards of Electrical Installations

Tanneries and effluent treatment plants have highly corrosive conditions (e.g. High levels of humidity, presence of corrosive chemicals in liquid and gaseous form). These affect the electrical installations all over the tannery but particularly on and around machines.

Operation controls

All switches and buttons on the machine should be clearly marked with colours and labels in the local language. Imported machines do often have labels in the language of country of origin. It is also necessary to label all control buttons and switches on the machines in the local language and the emergency off button in within the reach of the operators for the safety of others workers who might handle machines without experience in emergencies.

Control Emissions

During many stages in the leather production, processing of material in or on the machine, sometimes in combination with addition of chemicals, may result in emissions affecting the operator and other workers in the work place. Such emissions include noise, vibration, heat and various airborne contaminants such as dust, gas, vapours and mist. A careful assessment of tannery and effluent plant will help to identify the locations with a high risk of fire. Fire requires three basic elements, namely

- Combustible / flammable material.
- A source of ignition (heat, spark)
- Oxygen.

Whenever all three elements are present a fire may start. Whenever two of the three elements are found together, high risk of fire must be assumed. The most common combustible / flammable materials in tanneries are

- Chemicals in liquid and solid form
- Chemical fame, vapour, mist;
- Wastes (dry shaving dust, buffing dust, vegetable extract);
- Fuel and lubricating oil.

The above mentioned combustible / Flammable materials should be kept away from ignition sources in order to avoid the risk of accidents due to fire.

Table 6.I.G.1: Equipment Machinery

Work Involves Machine Handling	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	157	52.33	4.320	1	0.038
No	143	47.67			
Total	**300**	**100.00**			
Passive safety devices on prime parts in place					
Yes	42	14.00	35.840	2	0.000
No	115	38.33			
NA	143	47.67			
Total	**300**	**100.00**			
Adequate space available around machine					
Yes	40	13.33	37.140	2	0.000
No	117	39.00			
NA	143	47.67			
Total	**300**	**100.00**			
Wires around machine insulated and cable					
Yes	95	31.67	20.480	2	0.000
No	62	20.67			
NA	143	47.67			
Total	**300**	**100.00**			
Operation control labeled and in local language					
Yes	0	0.00	4.320	1	0.038
No	157	52.33			
NA	143	47.67			
Total	**300**	**100.00**			

Work Involves Machine Handling	Number	Percentage	Chi - Square	d.f	Sig. Value
Adequate extraction/control facilities available					
Yes	0	0.00			
No	157	52.33			
NA	143	47.67	**4.320**	**1**	**0.038**
Total	**300**	**100.00**			
Lock out system used while maintenance on machine					
Yes	0	0.00			
No	157	52.33			
NA	143	47.67	**4.320**	**1**	**0.038**
Total	**300**	**100.00**			

The above table analyses the components on equipment machinery with reference to respondents involved in machine handling which includes presence of passive safety devices, adequate space available around the machines, insulation and cables of wires around the machine, labeling of operation control in local language, adequate extraction/control facilities, lock out system used while maintaining the machine. In this connection 48 percentage of the respondents stated that they do not handle machines at work spot while 52 percentage of the workers said that they handle machines for performing work. Of the 52 percentage who handle machines, 38 percentage of the respondents said that the machines are not incorporated with safety guards. Workers accounting to 39 percentage stated that there was no adequate space available around the machine and 21 percentage of the respondents said that the machines were not insulated properly, 52 percentage of the respondents said that the operation control panels did not have proper labels in the local

language, 52 percent of the workers said that there was no proper exact facilities available in the work shop and the same reported that there is no lock out system during the maintenance of machines.

I.H. Right to Form Trade Unions

The right to form Unions or association is the very lifeblood of democracy. Employee associations are popularly known as Trade Unions. Trade Unions are not confined to mere striking and negotiating on behalf of workers. Their role is much wider. Trade Unions are voluntary organizations of workers formed to promote and protect their interests through collective action. The Trade Unions Act, 1926 defines a trade union as a combination, whether temporary or permanent, formed (i) Primarily for the purpose of regulating the relation between (a) workmen and employers or (c) between employers (ii) for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions.

Earlier, workers used to join unions to protect themselves against exploitation by the management or by force. Hire and fire policies, inhuman working conditions, niggardly wage payments and long hours of work were common in the past, and workers joined unions to seek protection against such practices. Not that these practices are extinct now. They are still practiced in the unorganized sector. Workers in the unorganized sector continue to suffer and do not join unions because none exists. The organized sector is, incidentally, highly unionized and consequently, exploitation of the kind witnessed in the past does not, by and large, exist these days.

Hence every employee has the right to form and join Trade Union.

Article 8 (i) (a) of ICESCR emphasizes the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests.

Further Article 22 (i) of International convention on Civil and Political Rights ICCPR states that 'every one shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests'.

The right to association guaranteed under Article 19 (i) (c) ensures the right of workers to form trade unions or labour unions. The objects of these unions are brought in to being for collective bargaining about wages, conditions of work and other related matters. The Trade Unions in India are regulated by Trade Unions Act, 1926, the Industrial Disputes Act, 1947 and the Industrial Disputes (Appellate Tribunal) Act, 1950. The Trade Unions Act, 1926 imposes statutory obligations on the employers to recognize and deal with trade unions specifying certain prescribed conditions.

Table 6.I.H.1 : Trade Union Membership

Presence of Trade union at work place	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	300	100.00			
No	0	0.00			
Total	**300**	**100.00**			
If yes are you a member					
Yes	41	13.67			
No	259	86.33	**158.413**	**1**	**0.000**
Total	**300**	**100.00**			

The above table analyses two components, namely, the presence of trade unions at work place and the number of respondents who are members of the unions. With regard to the presence of trade unions all the respondents have

said that there are trade unions in their work place but when it came to the question of membership the analysis revealed that only 13.67 percentage of the respondents were members whereas the remaining 86.33 percentage of the respondents were not a member of any union. The reason behind the non-membership account to the unawareness of the benefits that the members can ensue from the trade union.

II. RIGHT TO PROTECTION FROM HARASSMENT

The Right to Protection from Harassment intends to realize the extent of harassment that exists at work place. In this perspective the researcher has analysed certain specific areas of harassment encountered by tannery workers at work place which are as follows:

(i) Verbal Harassment: eg. Offensive or suggestive remarks, Comments, double meaning Jokes, Jesting, kidding sounds, questioning.

(ii) Physical Harassment: Physical abuse, beating, inappropriate touching, sexual assault, stroking.

(iii) Gestural harassment

(iv) Psychological

Women and Men are subject to severe discrimination at work place. Harassment at the work place is on a rise due to societal forces encouraging power based relationship between men and women, besides the low economic status. Both men and women who are victims of harassment at the workplace have in extreme cases even quit their jobs. However they ignore such harassment, hoping that it would be a onetime incident or avoid the harasser or avoid going to places where the harasser would be. This affects the performance on work. There are very few people who take a formal protest against the harasser.

Most of them do not report cases of harassment for fear of losing employment or due to threats from the harasser. In many cases they might feel embarrassed, helpless and powerless. The victim might also feel that they could have misunderstood the situation or might blame themselves for the situation.

Article 5 of UDHR states that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'.

Table 6.II.1 : Harassment at Work Place

Harassment at your work place	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	221	73.67	**67.213**	**1**	**0.000**
No	79	26.33			
Total	**300**	**100.00**			
Verbal harassment					
Yes	211	70.33	**208.620**	**2**	**0.000**
No	10	3.33			
NA	79	26.33			
Total	**300**	**100.00**			
Physical harassment					
Yes	0	.00	**67.213**	**1**	**0.000**
No	221	73.67			
NA	79	26.33			
Total	**300**	**100.00**			
Gestural harassment					
Yes	25	8.33	**152.820**	**2**	**0.000**
No	196	65.33			
NA	79	26.33			
Total	**300**	**100.00**			

Harassment at your work place	Number	Percentage	Chi - Square	d.f	Sig. Value
Psychological harassment					
Yes	98	32.67	**9.740**	**2**	**0.008**
No	123	41.00			
NA	79	26.33			
Total	**300**	**100.00**			
Who is the harasser					
Harassed by owner					
Yes	128	42.67	**12.740**	**2**	**0.002**
No	93	31.00			
NA	79	26.33			
Total	**300**	**100.00**			
Harassed by Supervisor					
Yes	191	63.67	**136.220**	**2**	**0.000**
No	30	10.00			
NA	79	26.33			
Total	**300**	**100.00**			
Harassed by Colleague					
Yes	7	2.33	**220.860**	**2**	**0.000**
No	214	71.33			
NA	79	26.33			
Total	**300**	**100.00**			

The above table analyses the different kinds of harassment encountered by employees at work place. The survey data reveals that 73 percentage of the respondents face harassment at work place, further when the respondents were enquired about the kind of harassment at work place out of 221 respondents

211 respondents face verbal harassment, 25 respondents face gestural harassment and 98 of them face psychological harassment. Further when the respondents were asked about the person from whom they encounter such harassment the data revealed that 43 percentage of the respondents are harassed by the owner, 64 percentage of them are harassed by the supervisor and 3 percentage of the respondents are harassed by the colleague.

Graph 6.7 : Harassment at Work Place

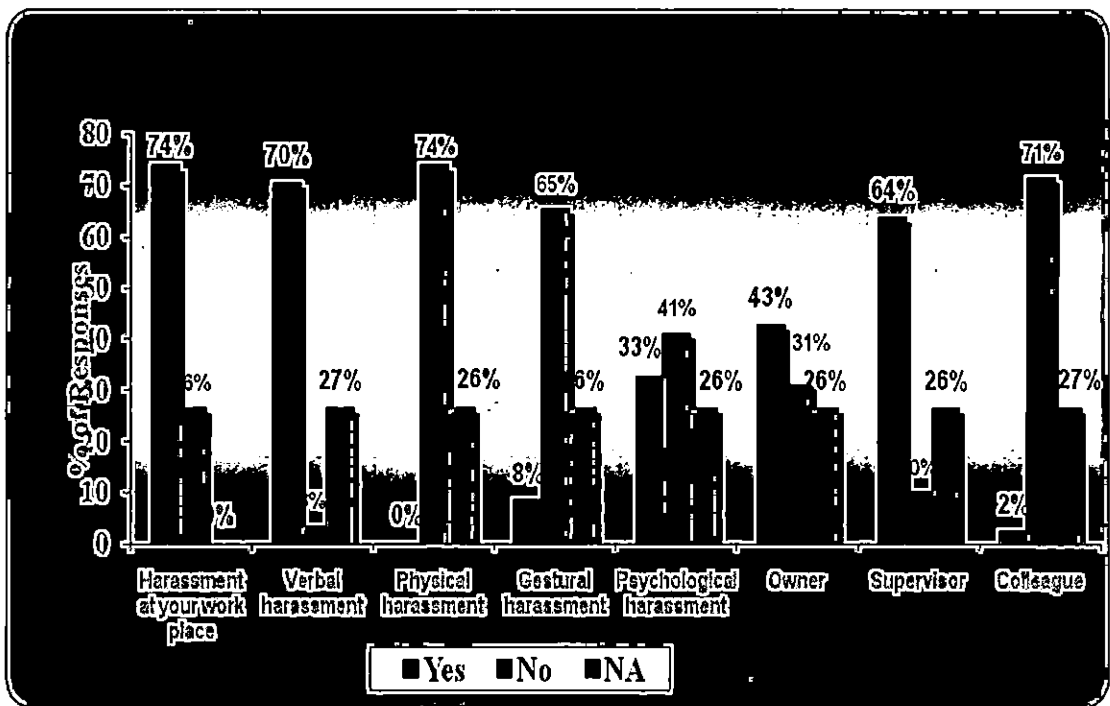


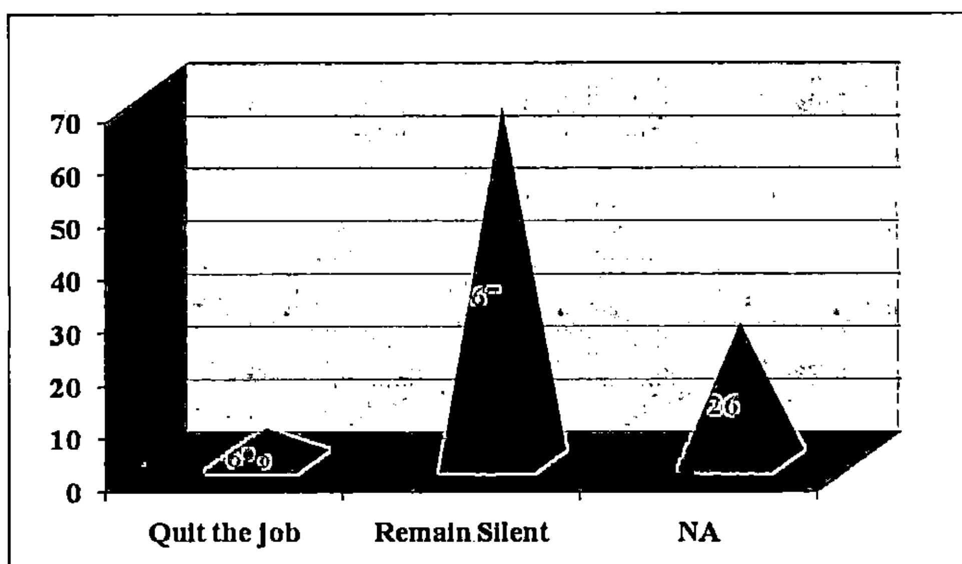
Table 6.II.2 : Reaction towards Harassment

Reaction against harassment	Number	Percentage	Chi - Square	d.f	Sig. Value
Quit the job	19	6.33	174.060	2	0.000
Remain Silent	202	67.33			
NA	79	26.33			

The above table analyses the reaction of the harassment against harassment. The survey revealed that 6.33 percentage of the respondents had

quit the job when they faced harassment and 67.33 percentage of the respondents said that they would remain silent when they faced harassment fearing that they would lose the job as the job was their only source of income and they do not know any other work to do.

Graph 6.8 : Reaction towards Harassment



III. RIGHT TO POLLUTION FREE ENVIRONMENT

The Right to Pollution Free Environment attempts to realize the extent of existence of different forms of pollution encountered by tannery workers at work place.

- Air Pollution
- Noise Pollution
- Water Pollution

The problem of environmental pollution has posed the highest – threat to human existence at present though the problem of pollution is as old as the emergence of human being on the earth. Pollution is the result of modern industrialization, urbanization, explosion of population, over exploitation of resources, depletion of traditional source of energy and the disruption of natural

ecological balance. The adverse effect of it on human life which, of late, has appeared on the national scene in a big way has also caught the attention of the supreme court which has laid down that Right to Health includes the right to enjoyment of pollution free air and water; and if anything endangers or impairs that quality of life in derogation of laws, a citizen has right to take recourse even to Article 32 of the constitution for removing the pollution of water or air which is detrimental to the quality of life. A healthy environment is a basic human right.

The right to life under Article 21 of the Indian Constitution means a life of dignity to be lived in a proper environment free from the dangers of diseases and infection. Further in the matter of environmental protection, Indian Constitution through the 42nd Amendment Act of 1976, introduced Articles 48, (A) and 51 A (g) enjoins upon the state and its people to protect and improve the environment.

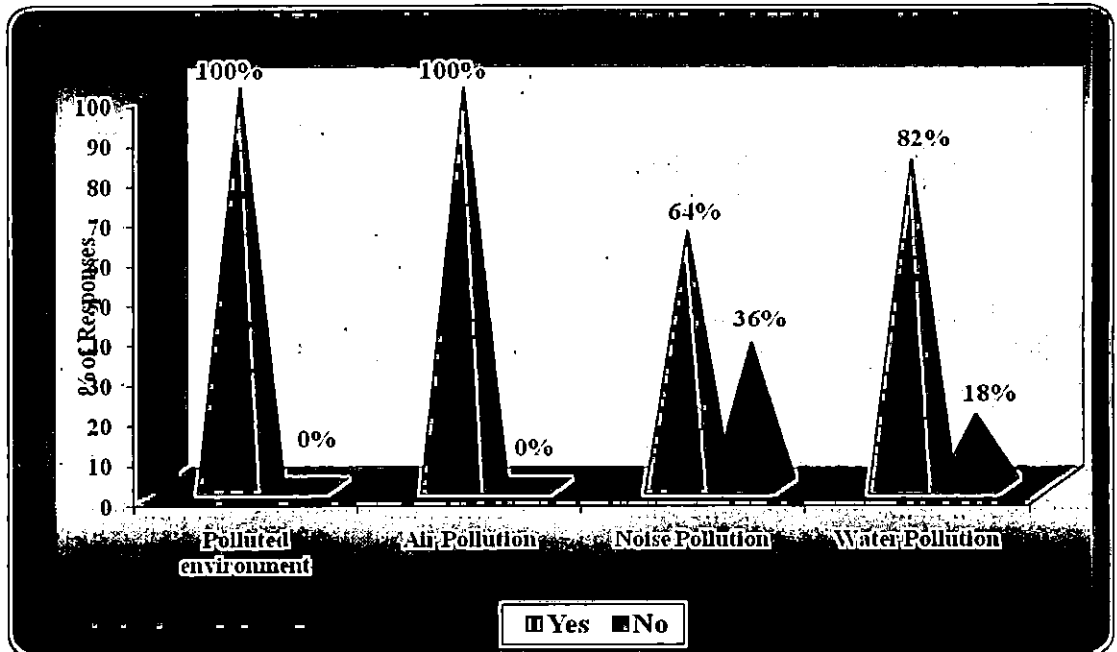
Article 48 – A, included among the Directive Principles of State Policy lays down that the state shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country. Article 51 – A (g) inserted through the 42nd amendment as part of the 'Fundamental Duties' urges every citizen of India 'to protect and improve the natural environment, including forests, lakes, rivers, and wild life, and to have passion for living creatures'. Besides, Article 21 of the constitution guarantees the right to life wherein the state must ensure the life in human dignity.

Table 6.III.1 : Right to Pollution Free Environment

Working in Polluted Environment	Number	Percentage	Chi - Square	d.f	Sig. Value
Yes	300	100.00			
No	0	0.00			
Total	**300**	**100.00**			
Air Pollution					
Yes	300	100.00			
No	0	0.00			
Total	**300**	**100.00**			
Noise Pollution					
Yes	191	63.67			
No	109	36.33	**25.813**	**1**	**0.000**
Total	**300**	**100.00**			
Water Pollution					
Yes	245	81.67			
No	55	18.33	**120.333**	**1**	**0.000**
Total	**300**	**100.00**			

The above table analyses the Right to live in a Pollution Free Environment. The analysis revealed that all the respondents are working in a polluted environment to earn their livelihood. The nature of pollution to which they are exposed are air pollution, water pollution and noise pollution. In this regard the survey data revealed that all the respondents are exposed to air pollution, 63 percentage of the workers are exposed to noise pollution and 81 percentage of the workers are exposed to water pollution.

Graph 6.9 : Workers Affected by Different Kinds of Pollution



IV. RIGHT TO PROTECTION FROM OCCUPATIONAL HEALTH PROBLEMS

Maintaining healthy conditions in places of work not only safeguard the workers from occupational diseases, but make their means of living meaningful. The application of interrelationship doctrine in the sphere of right to health has culminated in adopting preventive, reformative, and curative steps to deal with occupational diseases in hazardous industries like leather – tanning industry. Whether run by private management or government the right to health is an aspect of social justice and dignified life referring to directing principles relating to means of living, social security, just and humane conditions of work and avoidance of physical disabilities. Lack of health denudes workers livelihood. Compelling economic necessity to work in and industry exposed to health hazards due to indigence to bread winning to himself and his dependents should not be at the cost of the health and vigour of the workman. Provision for a medical test and treatment invigorates the health of the worker for higher production or efficient service. Continued treatment

while in service or after retirement is a moral, legal and constitutional concomitant duty of the employer and the state.

Right to health as an aspect of right to life is also a recognized ground for medical claim of employees in public service against the state. The Health Rights has clear links to many other rights. The realization of the Health Rights requires the fulfillment of several interconnected rights of a range of determinants, such as a food, education, environment, housing, working conditions, poverty, health care and so on. Unless all these determinants are also addressed, it is not possible to ensure the Health Rights. The denial or enjoyment of the rights mentioned above can impact a person's ability to achieve the highest attainable standard of health, and conversely, the health status determines the enjoyment of other rights, i.e. a person who is not healthy may not be able to participate fully and actively in economic, social or political activities in society.

Occupational health includes environment conditions in which the worker spends majority of time. These conditions are often occupation specific and hence vary in their impact on the worker. Health hazards encountered are related basically to the tools of work and the work environment.

The international Human Rights convention ICESCR under Article 12 'states that the state parties should be involved in the prevention, treatment and control of epidemic, endemic occupational and other diseases'.

Article 21 (b) of the Indian constitution provides the right to decent environment including pollution free water and air and protection against hazardous industries. Article 21 (f) mentions the health rights.

Table 6.IV.1 : Experience in Tanneries

Years of experience in tanneries	Number	Percentage	Chi - Square	d.f	Sig. Value
1 year	35	11.67	68.080	3	0.000
2 years	51	17.00			
3 years	86	28.67			
More than 3 years	128	42.67			

The above table shows the years of experience of the respondents in tanneries. This data was acquired in order to correlate the experience of the workers with occupational health problems which is depicted in the latter part of the chapter in cross tabulation. In this regard the survey data revealed that majority of the respondents accounting to 42 percentage are working in tanneries for more than three years further 28 percentage of the respondents are working for three years, 17 percentage of the respondents have an experience for about two years and the remaining 11 percentage of the respondents are working for a year.

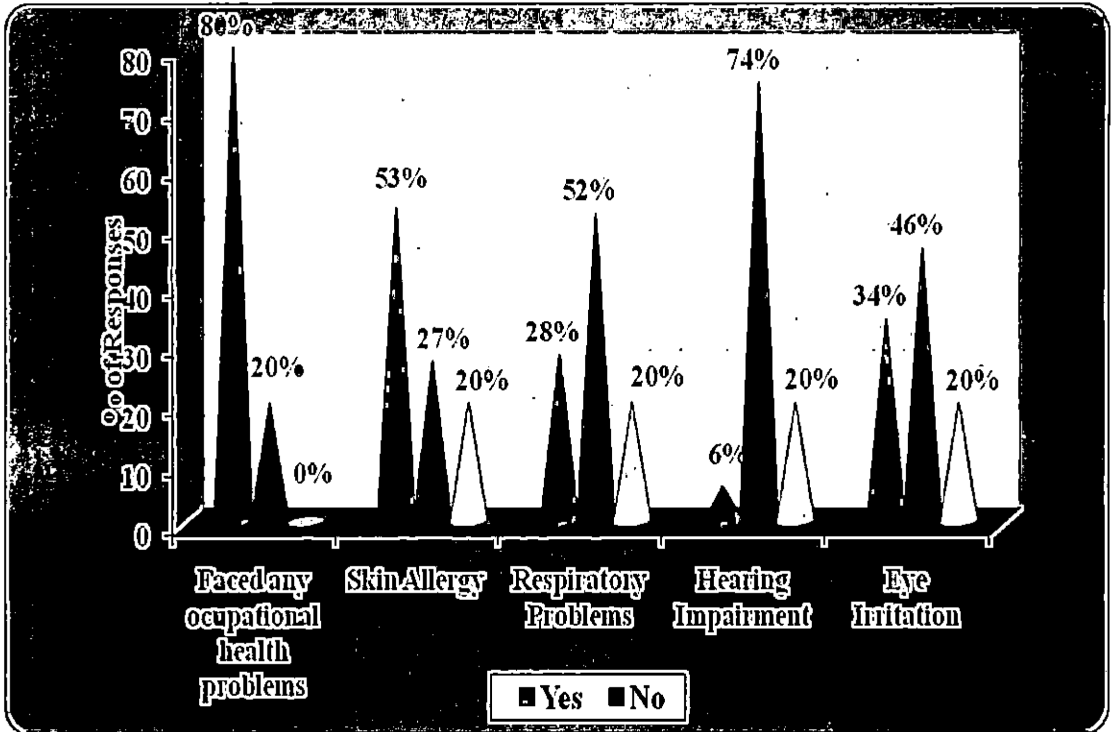
Table 6.IV.2 : Occupational Health Problems

Faced any occupational health problems	Number	Percentage	Chi – Square	d.f	Sig. Value
Yes	239	79.67	144.213	1	0.000
No	61	20.33			
Total	300	100.00			
Skin Allergy					
Yes	160	53.33	118.160	2	0.000
No	79	26.33			
NA	61	20.33			
Total	300	100.00			

Respiratory Problems					
Yes	**156**	**52.00**	**82.460**	**2**	**0.000**
No	**83**	**27.67**			
NA	**61**	**20.33**			
Total	**300**	**100.00**			
Hearing Impairment					
Yes	**18**	**6.00**	**272.720**	**2**	**0.000**
No	**221**	**73.67**			
NA	**61**	**20.33**			
Total	**300**	**100.00**			
Eye Irritation					
Yes	**102**	**34.00**	**47.660**	**2**	**0.000**
No	**137**	**45.67**			
NA	**61**	**20.33**			
Total	**300**	**100.00**			

The above table analyses occupational health problems encountered by the respondents working in tanneries. The survey data revealed that majority of the respondents accounting to 79.7 percentage encounter occupational health problems. Some of the common health problems identified to be incurred by the respondents at work place are skin allergy, respiratory problems, hearing impairment and eye irritation. In this regard the analyses show that 53.3 percentage of the respondents are suffering from skin allergy, 52 percentage of the respondents have respiratory problems, 6 percentage of the respondents have hearing impairment and 34 percentage of them are suffering from eye irritation.

Graph 6.10 : Health Problems Encountered by Workers



V. FACTOR ANALYSIS

Factor Analysis is a very useful method of reducing data complexity by reducing the number of variables being studied. In more general way, factor analysis is a set of technique which, by analysing correlations between variables, reduces their number into fewer factors which explain much of the original data, more economically.

Methods of Factor Analysis

There are two stages in factor analysis. **Stage 1 can be called factor extraction process,** where our objectives is to identify how many factors will be extracted from the data. The most popular method for this is called Principal Component Analysis. There is also a rule-of –thumb nosed on the computation of an Eigen value, to determine how many factors to extract. The concept of Eigen Value translates approximately to the 'Variance Explained' concept of regression analysis. The higher the Eigen values of a factor, the

higher is the amount of a factor, the higher is the amount of variance explained by the factor. Before extraction, it is assumed that each of the original variables has an Eigen Value = 1. Therefore, it stands to reason that we would expect any single factor, which is a linear combination of some of the original variables, to exceed the value of 1.

Stage 2 is called Rotation of Principal Components. This is optimal, but highly recommended. After the number of factors extracted from stage 1, the next task is to interpret the factors with name. This is similar to correlation matrix, with 'loadings' having values between 0 and 1. Values close to 1 represent high loading and those close to 0, shows low loadings. The objective is to find variables which have a high loading on one factor, but low loadings on other factors. The output of the factor analysis is obtained by requesting the principal component Analysis. The result in Table comprises the community for all 10 variables and the Eigen Values of all factors which have Eigen Values of 1 or more than 0.

There are about 61 variables in our study but only for 38 variables where the respondents have given a different opinion. So we have taken those 38 variables in the Factor Analysis.

If the variations expressed by the respondents for the 38 questions are assumed to be 100 percent, the contribution of each one of the variables in percentages is given in the table as % of Variance. Factor analysis indicates that there are 8 hypothetical variables contributing nearly 78 percent of total variation.

Factor 1: Table 6.V.1: Harassment Factor

HARASSMENT	Component	Percentage of variance
Physical harassment	.987	**18.182**
Harassment at your work place	.987	
Verbal harassment	.971	
React against harassment	.965	
Colleague	.948	
Supervisor	.936	
Gestural harassment	.889	
Owner Harassment	.883	
Psychological harassment	.871	

The first factor includes the variables which are related to the Harassment at the work place. There are about 9 variables in the first factor indicates that they are related to one another which we can identify from the second column nothing but the correlation value. When we have the correlation value which is closer to one, it shows how much impact that variable have with the other. The third column indicates the % of variance; the first factor contributes nearly 18 percent of the total variability. This factor is known as Harassment Factor.

Factor 2: Table 6.V.2 : Machine Handling Factor

MACHINE HANDLING	COMPONENT	PERCENTAGE OF VARIANCE
Adequate extraction/control facilities available	.975	17.188
Lock out system used while maintenance on machine	.975	
Workers Involved in Machine Handling	.975	
Adequate space available around machine	.932	
Wires around machine insulated and cable	.930	
Passive safety devices on prime parts in place	.926	

The second factor indicates about the handling of machine in the tanneries. The above table shows that nearly 17 percent of variance among the different variables segmented in this table. This factor highlights that there is a greater impact on one variable over the other. The tanneries which do not provide safety devices also do not provide control facilities in the machine, no lock out system used while maintenance on machine, no adequate space available around machine and wire around the machines are not properly insulated and cabled. This shows the positive relationship between these variables like adequate space. Hence, this factor is known as Machine Handling Factor.

Factor 3: Table 6.V.3: Welfare Amenities Factor

WELFARE AMENITIES	COMPONENT	PERCENTAGE OF VARIANCE
Tea	.756	10.31
First aid facilities at work place	.560	
Rest Room	.487	
Clean drinking water	.973	

Factor three highlights the variables of welfare amenities. The relationship between the variables tea, restroom, first aid facilities and clean drinking water are positive. The variables present in this factor have variation of 10%. This factor shows that the tanneries which are providing clean drinking water also provide tea, first aid facilities and rest room. This factor is known as Welfare Amenities Factor.

Factor 4: Table 6.V.4: Occupational Health Problems Factor

OCCUPATIONAL HEALTH PROBLEMS	COMPONENT	PERCENTAGE OF VARIANCE
Faced any occupational health problems	.940	9.475
Hearing Impairment	.899	
Respiratory Problems	.843	
Eye Irritation	.811	
Skin Allergy	.741	

Factor 4 includes the variables related to occupational health problems. In this factor the relationship between the variables like hearing impairment, respiratory problems, eye irritation skin allergy are positive. This shows that those who are affected with one disease also have some other disease affected

because of the work environment. The fourth factor contributes nearly 9 percent of the total variability. Hence, this factor is known as Occupational Health Problems Factor.

Factor 5: Table 6.V.5: General Work Conditions Factor

GENERAL WORK CONDITIONS	COMPONENT	PERCENTAGE OF VARIANCE
Uncovered and unguarded floor opening	.785	
Emergency rescues equipment available	.639	
Materials are moved using trolley	.542	**6.937**
Windows are clean	.496	
Raw materials/pallets	.381	

The fifth factor includes the variables which are related to the work environment. There are about 5 variables in the fifth factor which indicates that they are related to one another which we can identify from the second column nothing but the correlation value. When we have the correlation value which is closer to one, it shows how much impact that variable have with the one another. The third column indicates the percentage of variance; the fifth factor contributes nearly 7 percent of the total variability. This factor is known as General Work Conditions Factor.

Factor 6: Table 6.V.6 : Cleanliness Factor

CLEANLINESS FACTOR	COMPONENT	PERCENTAGE OF VARIANCE
Solid Waste removed from work area	.962	
Floor clean and free of chemical spills	.930	**6.660**
Empty barrels storage removed from the work area	.923	

The sixth factor includes all the variables which are related to cleanliness of the factories. In this factor some of the variables like solid waste removed from work area, Clean floor and free of chemical spills, empty barrels removed from work area are positive. The third column indicates the percentage of variance; the sixth factor contributes nearly 7 percent of the total variability. This factor is known as Cleanliness Factor.

Factor 7: Table 6.V.7 : Personal Protective Equipment Factor

PERSONAL PROTECTIVE EQUIPMENT	COMPONENT	PERCENTAGE OF VARIANCE
Gloves	.714	
Aprons	.693	**4.748**
Safety Shoes	.631	

Factor 7 includes some of the personal protective equipments like Gloves, Aprons and Safety Shoes. The relationship between these protective equipments is positive. This shows that the tanneries which are not providing gloves do not provide Aprons and Safety shoes. The third column indicates the percentage of variance; the seventh factor contributes nearly 4 percent of the total variability. This factor is known as Personal Protective Equipment Factor.

Factor 8: Table 6.V.8 : Work Climate Factor

WORK CLIMATE FACTOR	COMPONENT	PERCENTAGE OF VARIANCE
All lights working& fitting clean and free of corrosion	.858	4.340
Ventilation in place and working	.814	
If yes are you a member of trade union	.382	

Factor 8 includes the lighting facilities and ventilation. The relationship between variables lighting facility and ventilation in the tanneries are positive. It shows that the tanneries which have ventilation facility also have the lighting facility. The percentage of variation is 4 which is highlighted in the third column. This factor is known as Work Climate Factor.

The researcher through the above data analyses have attempted to project the extent of Human Rights violation existing in tanneries with respect to the Right to Just and Humane Conditions of Work through relevant facts and figures. Further the researcher proceeds to highlight certain important cases which serve as evidence for the study on the Right to Just and Humane Conditions of Work. These cases depict the clear cut violation and infringement of Human Rights of Tannery Workers at Work Place.

Case No: 1

Deaths Due to Leakage of Poisonous Gas in the Tannery

Short Note of the Case

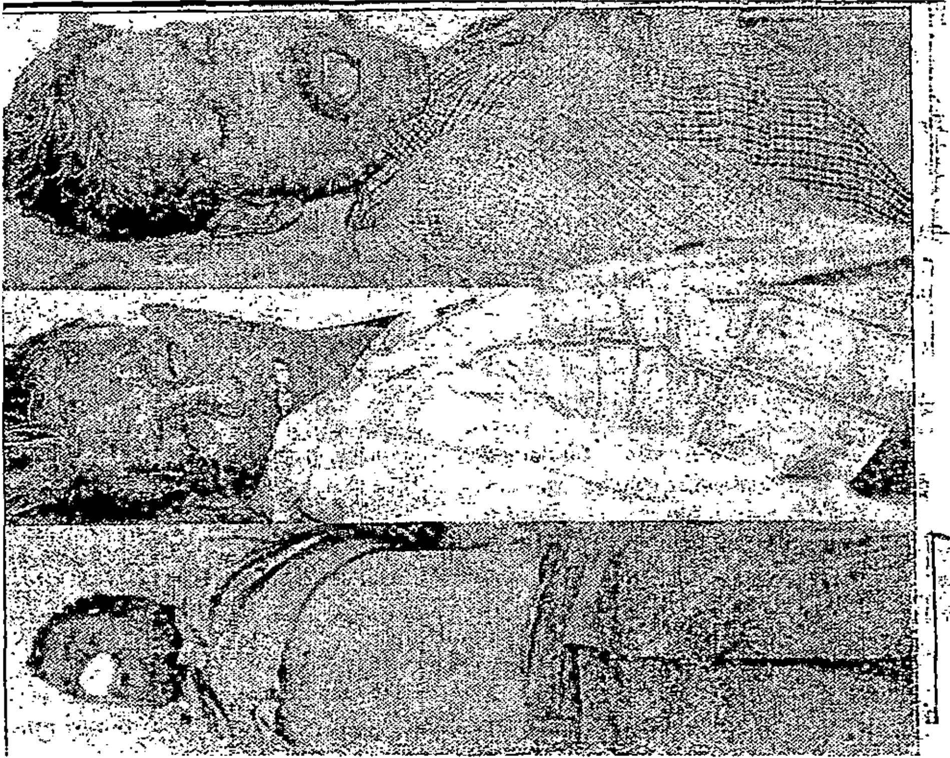
Reported at Umarabath Police Station in Crime Number 388 of 2009 under Section 304(A) I.P.C.

On 27/5/2009 at about 2.15 p.m

1. Doss aged 40, son of Manickam, from Alankuppam village of Vaniambadi Taluk of Vellore District.
2. Mohan aged 28 son, of Jagannadhan from New Govindapuram village of Vanniambadi Taluk of Vellore District.
3. Jayapal aged 35, son of Duraisamy from Vannianathapuram village, Mittalam Post of Vanniambadi Taluk of Vellore District.

The above said Tannery Workers were employees of Ajeer Rehman Tannery situated at Thuthipattu Village, Vellore District. There was a blockade in the sewage pipeline in the above said company's drainage tank for three days. The said employees were compelled to remove the blockade even though they were not skilled to work on it. On 27/05/2009 at about 2.15 p.m., when the above said employees of the Tannery were trying to remove the blockade by cutting the pipe line, there was a leakage and a poisonous gas emanated from the pipe. Due to that the three employees fell unconscious and they were taken to the Ambur Government Hospital. The doctor who attended on them declared that they were already dead. It was witnessed by a co-worker Yuvaraj aged 30, son of Manickam, Koil Street, Machampattu Village of Vanniambadi Taluk. The accident happened due to the negligence of the employer. So, a case has been registered under section 304 (A) I.P.C. by the Ambur Police (in-charge of Umarabath Police Station) and the case is still pending before the court.

Mr. Jeyapal, Mr. Doss and Mr. Mohan who died due to leakage of Poisonous Gas



Detailed Case History

In Periya Varugam Village in Ambur – Pernambet highway in Vellore district, a tannery is functioning which is owned by a private body. In that tannery the following workers were employed

1. Doss aged 45 from Alappakam Village
2. Jayapal aged 34 of Mitalam Village
3. Mohan aged 34 of Govindapuram Village

The above said three tannery employees died on 27/5/2009 at 2:15 p.m due to the negligence of the employer while they were repairing the blockade in the sewage pipeline in Ajeer Rehman Tannery situated at Thuthipattu Village of Vellore District.

Mohan was working as an electrician, Jeyapal as a machine operator and Doss as casual labourer. There was a repair in the pipe line through which the

chemical mixture was passing and about 2:15 p.m, the three employees were attending the repair work. Suddenly the three employees fell unconscious due to a poisonous gas which emanated from the pipe line. The other workers lifted them from the tank, but unfortunately all the three workers died on the spot.

Mr. A.T.Ramachandran, Inspector of Police, Ambur Police Staion and in-charge of Umarabath Police station seized the corpse and registered the case in crime number 388 of 2009. Hence sent the deceased bodies for postmortem to the Government Hospital, Ambur, Vellore District. Further Mr.Sivasami, Assistant Superintendent of Police, Gudiyattam was also investigating regarding this accident. The deceased Doss is survived by his wife Kausalya and his children Karthick and Sandhya. Jeyapal is survived by his wife Varalakshmi and son Gnanasekaran. Mohan is survived by wife Dhanalakshmi and two children.

Implication of the Case

The case highlighted above is a clear cut of violation of rights of workers at the work place. It is evident from the case that the job done by the above three workers were hazardous and dangerous in nature. Inspite of this fact they were compelled to do the job by the management without providing any protective equipment. This job should have been done only by skilled labourers who have knowledge about the hazardous nature of work. But in this case the researcher found that the employer has employed the workers who were working in the factory also to attend the leakage. Since the workers work in an environment handling hazardous chemicals and substances these are some of the common cases that happen in tanneries where some lead to severe injuries and some lead to death as we see in this case. Now the family members of the above dead employees are still in pursuit of happiness as the suffering still continues.

Case No: 2

Accident of Plating Operator and Removal from Service without Paying Proper Compensation

Case No : Original Petition Number 1468 of 2007

Mr.C.Sekar, s/o Chokkalingam, No 4/178, Government Higher Secondary School Street, Devalapuram Village, Ambur Taluk, Vellore District (Appellant) –Versus – Company Represented by its Managing Director, Eastern Chrome Tanning Corporation, Ambur, Vellore District (Respondent)

Mr.Sekar appellant has made an appeal in the Labour office under Industrial Disputes Rule 2A against his removal of service from Eastern Chrome Tanning Corporation, Ambur.

Detailed Case History

The appellant Mr.C.Sekar was working in plating section of Eastern Chrome Tanning Corporation, Ambur from 1-10-96 and that his last pay was Rs.2000/- per month. The appellant was not given any benefits other than his monthly salary. Though he was working in the tannery since 1996 the appellant was issued only an identity card on 1/7/2005. On 11/2/2006, he met with an accident when he was working as a plating operator in the finishing section. His left hand was caught in the machine and sustained severe injury. When he approached the management for medical benefits and for his continuity of employment, the company said that he can be paid only Rs.10,000/- for treatment and regarding continuity of employment they said that they would consider it later on. Since the amount given by the company was not sufficient for his medical expenses, the appellant did not receive the amount of Rs.10, 000. Regarding his medical expenses and his continuity in service he sent a legal notice to the Management. The Management did not send any reply

in this regard. The appellant requested for his pay and for continuity of service but was not been considered favourably.

Mr.Sekar who met with an accident and incurred injuries in his left hand.







Inspite of repeated legal notices from the appellant to the Management with regard to his salary and continuation of service there was no reply from the side of the Management. Subsequently the appellant approached the Labour Court for amicable settlement of the issue.

End of the Case

On different dates, negotiations were going on in this labour dispute and finally the Management did not take part in the final meeting held on 30/4/2008. There was no possibility to settle the issue amicably. Since there was no way for peaceful settlement, under Section 12 (4) of Industrial Disputes Act, 1947 dissolution of amicable settlement was registered. The peaceful negotiation was broken up and a case was registered. The case is still in process. The appellant is a widower and having two female children, finds hard to look after his children since he is left alone.

Case No: 3

Kathiresan's Job Termination Case

Kathiresan's Termination from service by an infringement act of employer, case at labour court, Vellore Distrcit.

Name of the Case : Industrial Disputes Original Petition Number 12 of 2001. R.Kathiresan, s/o M.Rajamanikkam, No 159/13, Kamarajapuram, Vanniambadi Taluk, Vellore District, (Petitioner) – Versus – Managing Director, Ajaas Tannery, No.1141, Kachery Raod, Vanniambadi Taluk, Vellore District (Respondent).

Detailed Note of the Case

Mr.R.Kathiresan who is a petitioner herein for seeking continuity of job, salary during his break-in service, contractual benefits and the cost (for the case), from the respondent (i.e) Ejas tannery at Vanniambadi Taluk of Vellore District, under section-2a(2) of the Industrial Disputes Act 1947. The petitioner

who was working since 1996 had not been provided with yearly increment, bonus, leave wages, and other benefits like Provident Fund, E.S.I. as per the contractual benefits. The petitioner was paid Rs.98 per day, at the time of his termination, he was not provided with pay slip. So the petitioner appealed for the above said benefits. But on contra the respondent, Ejas Tanning Company disputed with the petitioner on 18/11/2000 and terminated him by an oral order, on receiving signatures in blank papers. The petitioner made several representations for the continuity of the job and on 08/02/2000 he made the registered post for the same. But the respondent replied that the petitioner had resigned voluntarily. Finally without any option the petitioner approached the legal forum, where the labour officer on 28/07/2007 had submitted his report under section 12(4) of Industrial Disputes Act, 1947 stating that the Respondent company had violated the legal contractual obligations and the petitioner can be awarded continuity of service, break salary, contractual benefits, cost (for the case) etc. But on contra the respondent stated that the petitioner voluntarily resigned the job and got the final settlement amount under section 18(1) of Industrial Disputes Act, 1947 on 16/01/2000 before the witnesses.

Mr.Kathiresan still seeking for continuity of job due to illegal termination



On 23 February 2006 in Industrial Disputes Original Petition Number 12/2001 at Labour Court Vellore before learned Mr.Gokul Das, Labour Court Judge had given a final judgment. On hearing both sides' argument the Court came to the conclusion that the petitioner had been orally terminated by the respondent company by violating the contractual benefits and received signature in the blank papers. But the respondent stated that the petitioner resigned voluntarily on receiving settlement. Now the court came to the conclusion that if the petitioner would have resigned the job there should be an agreement between the petitioner and the respondent for the settlement. But in contra the respondent only showed the resignation letter, but not the above said agreement. So it is clearly proved that the respondent company had violated the contractual obligation, restraining the petitioner to receive the benefit which he had legally bound to have, so the court finally ordered the respondent to give the continuity of service, and other benefits with cost (for the case) to the petitioner.

In spite of all the above struggles met by the complainant still the case remains pending since the Management has not yet implemented the judgment of the court. The complainant has now proceeded to get justice by appealing to higher courts.

Chapter - 7

Conclusion

CHAPTER - VII

CONCLUSION

Labour is an important factor of production. Both quality and quantity determine the amount of labour. It is observed that population increases in geometrical ratio (1.2, 4, 8.16,32 ...etc) and food supply increases in arithmetic ratio (1, 2, 3, 4, 5...etc). For this reason the excess growth of population will invite misery. But it is not always true that every growth of population is detrimental to economic growth. If the quality of the labourers can be developed, then they can be utilized for the economic growth as happened in western countries because production depends mostly on managerial efficiency and work culture. Rightly it is said that better people, not better technology is the surest way to better society. The labourer is considered as human capital, which needs a special care. They cannot be dealt with the same way as inanimate capital. The labourer has both mental and physical force to work. The mind and physique are interrelated. A labourer can give more production if he is healthy both in mind and physique. Good physique requires nutritious food but the mind is guided by motivation. Social factors, economic factors and cultural factors are responsible to control the motivation.

Labour welfare concepts had, by the middle of twentieth century got well settled in the society and the social awareness was reflected in a series of measures to improve the conditions of the labour class in general. The growth of labour laws in India can be studied under the following heads-

a) Legislation relating to Factory Workers
b) Legislation relating to Plantation workers
c) Legislation relating to Mining workers
d) Legislation relating to Transport workers
e) Legislation relating to Seamen
f) Legislation relating to workers in Shops and Commercial Establishments.

The researcher has made a detailed study about the various international conventions, national laws and the legal protection that extend to the welfare of labourers. After this study it is evident that the labour welfare measures and the administrative machinery designed to implement them reflect the concern of the government for improving the lot of workers in appreciation of the role they have to play in economic development of the country. But these attempts on the part of the government leave much to be desired. The state has enacted a plethora of labour laws but these have not been implemented in letter and spirit due to lack of adequate supervision. There are great variations in welfare facilities as between state to state and from industry to industry and also as between the different units of the same industry. There must be some uniformity in welfare provisions and a definite minimum standard of welfare, should be laid down. The industrial establishments continue to suffer from unhygienic and insanitary conditions, lack of security system and pollution control, devices which cause great health hazards to workers. The unorganized labour have yet to be covered by the welfare measures that are available to the labour in organized sectors to rescue them from the ill-treatment by the employers. Labour Welfare officers are not properly trained and motivated which makes them unable to perform their duties consciously and effectively for the welfare of workers. The leather industry is one such industry in which the workers employed are prone to be affected by the above discussed industrial problems. The researcher has already analyzed in the previous chapter about Human Rights issues of tannery workers which happens to be the study area.

The Leather industry as such is divided into three segments, namely leather tanning, leather finishing and leather product industries. This study was focused on the tanning part of the leather industry. Many workers are employed in this sector. The raw material used in tanning is highly heterogeneous in nature and each hide/skin varies in structure, chemical composition and quality from one another, there is also variation between

species and between skins within a species. Hence it poses a tremendous challenge to the technologists since it is not possible to standardize such raw material, which in turn implies that the tanning part of the leather industry cannot be fully automated. The entire tanning and finishing sequence is long drawn out beginning with the soaking of raw hides/skin and ending with actual measuring and packing of leather.

The leather Industry is one among the top four foreign exchange earners for the country. By almost any indicator of performance, be it number of units, workers employed, quantum of exports etc. Tamil Nadu ranks first as far as the leather industry is concerned. It is also the most important centre in the country for the tanning of raw hides and skins, an operation which is largely carried out in Vellore. Our focus in the thesis has been to examine the rights of workers in leather tanning industry in which more labourers are recruited and deployed in the different operations of the industry.

Having highlighted the importance of Leather industry and the role of workers in the leather industry, the researcher also had presented the facts and figures of the socio-economic status and the issues of tannery workers at work place in the Vanniambadi Taluk of Vellore District. In this regard the researcher proceeds to put forth suitable suggestions for ameliorating the socio-economic and working conditions of tannery workers.

I. SOCIO-ECONOMIC STATUS OF TANNERY WORKERS

The worker's position is strongly influenced by their social status and their capabilities. It depends on their access to education, good health, decent housing, sanitation, and other basic amenities. The socio-economic status of the tannery workers in Vellore District was analysed in Chapter V of this study given with relevant facts and figures. Now the researcher proceeds to give valuable suggestions for the upliftment and improvement of the socio-economic status of the tannery workers. In this connection the rights mentioned

below were taken in to consideration to give suggestions and recommendations.

- **Right to Education**
- **Right to Housing**
- **Right to Clothing**
- **Right to Food**
- **Right to Medical Assistance**

1. RIGHT TO EDUCATION

Education has emerged as an important signifier of the individuals work, status, wages and poverty. Since the study is based on the rights of workers, the researcher focuses on worker's employment and livelihood which determines the worker's capability as being foundational. Education therefore plays a significant role in moulding and developing the human resources but unfortunately it is found to be lacking among the workers in the unorganized sector. While there are several public schemes, their outreach is still far below what is warranted by the magnitude of the problem. The question of outreach as well as effective delivery is quite critical. Education is a significant attribute and an asset to an individual. In the present era, education is necessary to obtain gainful, productive and remunerative employment. Entry into the organized sector even as an unprotected (unorganized) worker requires higher years of schooling. Lower level of education among the workers creates vulnerability as it confines the workers to mostly unprotected and irregular jobs. The survey reveals that out of 300 respondents 17 workers are illiterates, 105 possessed education up to primary school (up to class V), vast majority of the respondents numbering 147 had education up to middle school (class VI-VIII) and the remaining 31 respondents possessed high school education (class IX-X). Since all the respondents did not acquire education even above high

school level, they were employed in tanneries owing to lack of income. In this regard the researcher intends to give the following suggestions.

Suggestions

1. Night Schools should be established by the government to the workers who are illiterate and who want to continue their education.
2. Awareness should be created through street plays where more tanneries exist to make them realize how education would transform not only their lives but also their descendants.
3. School dropouts should be given special attention in order to make them continue their studies. The education of the children of the tannery workers should be taken care of since the suffering should not continue to the next generation. Inspite of various laws being enacted to make education compulsory, these laws have not reached the children in the unorganized sector. Hence, specialized agencies of the government should supervise and monitor the implementation of these laws and look after the educational facilities available particularly to the children of the unorganized sector.

2. RIGHT TO HOUSING

The meager income of the workers in the tanneries forces them to live in make-shift shanties and slums. Besides the miseries of living in terrible living conditions with lack of entitlement to basic amenities such as water or electricity, they also have to live in constant fear of being dislodged from their homes in the name of slum clearance. Since most of them are forced to be encroachers they get caught in a vicious cycle of degraded living conditions without minimal facilities.

Living Condition of Tannery Workers



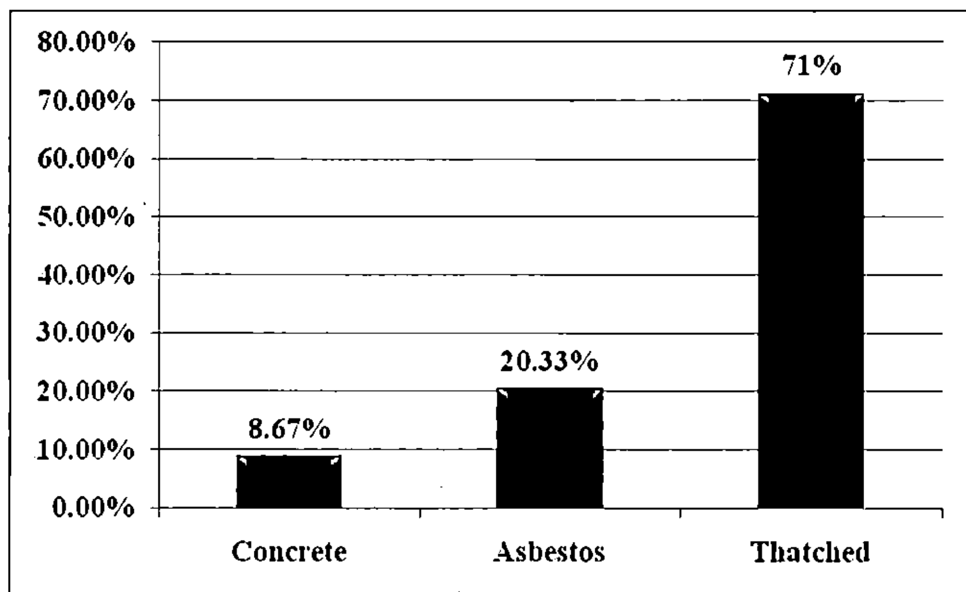
While access to adequate and secure housing is a basic Human Right, it is still denied to many of the world's poorest people. United Nations estimates indicate that approximately 100 million people worldwide are without a place to live, while over 1 billion people are inadequately housed without access to basic services. According to the Census 2001 data, 82 million of India's urban population of 285 million lives in slums and other low-income informal settlements. This means that about 30% of the countries urban population has little or no access to adequate housing and basic amenities. The situation in rural areas is even more dismal. It can thus be estimated that around 50% of India's population lives in conditions of extreme deprivation.

The UN special Rapporteur on adequate housing has defined the Human Right to adequate housing, as: **"The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity".** Though the majority of the world's population

lives in some form of dwelling roughly one half of the world's population does not enjoy the full spectrum of entitlements necessary for housing to be considered adequate.

As far as the study is concerned, almost 86.33% of respondents live in rented houses and nearly 71% of the respondents live in thatched houses as indicated in the graph given below. Since the wages of tannery workers are very low and increasingly precarious, minimum wages not always enforced and lack of work, these account to the encroachment of their Right to Housing.

Graph 7.1 : Type of House Inhabited by the Respondents



According to General Comment No.4 on the Right to Adequate Housing adopted in 1991 by the United Nations Committee on Economic, Social and Cultural Rights, in order for housing to be adequate it must provide more than just four walls and a roof over one's head; it must, at a minimum, include the following elements: legal security of tenure, availability of services, affordability, accessibility, habitability, location and cultural adequacy.

Despite international legal provisions, the Human Right to Adequate Housing is widely violated globally. Part of the problem is that many

individuals across the world are not aware of their rights or do not have the means to implement them. More serious is the manner in which states are increasingly violating the rights of their citizens and abrogating their international and national legal commitments. With the global rise in slum demolitions and brutal forced victims, spaces for the working poor are shrinking, including space for housing.

The study concludes that the Right to Adequate Housing is denied to the tannery workers. The failure to provide adequate living conditions, including adequate housing and the provision of essential services, result in the violation of human dignity of the individual. The right to life with dignity is the most fundamental and non-negotiable Human Right and is the core for the realization of all other Human Rights.

The Human Right to Adequate Housing cannot be viewed in isolation. The Human Right to adequate housing is closely and intrinsically linked to other rights guaranteed by the body of Human Rights instruments, which are affected when the right to housing is affected. For example, it has been recognized that conditions in the housing environment have direct consequences for enjoyment of the right to health.

Suggestion

If workers are educated on the fundamental principles and provisions of international and national laws on housing and understand the mechanism and legal rights available to them, they could use these international instruments as effective tools to struggle against the perpetuation of inadequate and insecure housing conditions, while maintaining pressure on responsible agencies to meet their legally and morally binding commitments. The Non-Government Organizations should also create awareness among the tannery workers to make them understand the Right to Housing as this has an indirect effect on the Right to Human Dignity and Right to Health.

3. RIGHT TO CLOTHING

Tannery workers are receiving meager wages which makes them to live with inadequate dresses. Even though 60% of the workers are living with adequate dresses, nearly 40% of the worker's live with inadequate clothing. The right to clothing which is guaranteed under right to life is highly infringed among the tannery workers. In this regard the researcher gives the following suggestions.

Suggestions

1. Government can sell clothes through Public Distribution System so that inadequate condition of clothing can be avoided.

2. Government has to often monitor not only the organized sectors but also the unorganized sector of tanneries to check the wage condition of the employees. Proper wage condition when monitored will enhance the living condition of the workers which includes clothing.

4. RIGHT TO FOOD

Based on the survey conducted 39% of the workers reported that they do not get sufficient food per day. The purpose to eat is not to satisfy the sense of taste but mainly for the production of energy required to carry out various activities in our life. Tannery workers are toiling at the work place because the work is not easy to perform, they have to carry heavy hides and skins for that they need energy, but still many of them are working only by eating piece a of bread and drinking tea for their survival.

Suggestions

Government is issuing rice, pulses, other food items through Public Distribution System, but the quality is not so good. Living in a poor condition does not mean that they should eat poor quality of food items. Government

should improve the quality of food items sold in Public Distribution System. Some of the workers reported that they could not get the ration card hence they do not get the food items provided in the Public Distribution System. So the government should make arrangements for them to get the ration card without any difficulties and delay.

5. RIGHT TO MEDICAL ASSISTANCE

Right to life is considered as one of the fundamental rights, and health is one of the vital indicators reflecting quality of human life. With regard to the health status the tannery workers are living in a pitiable condition. In this context, it becomes one of the primary responsibility of the state to provide health care services, to all its citizens. **India, despite being a signatory to the Alma Ata Declaration of 1978, which promised "Health for All" by2000, is far from realizing this objective.** On paper, India has an excellent health care structure that has the potential to reach a large section of population. Yet, despite this elaborate structure and the rapid advancement of medical sciences, the reality is deplorable. The percentage of population actually covered by the public health care services is reportedly a mere 30 percent. Although programmes are being constantly reviewed and revised, the problems persist and continue to worsen.

As far as the study is concerned the researcher found that nearly 83% of the respondents reported that they were not properly treated in government hospitals. Access to health care is becoming increasingly difficult for a growing number of people because of the continued apathy of the government to recognize health and health care as a national priority, along with the legitimization of an unregulated private sector. Firstly access to healthcare is affected by physical, financial and socio-cultural factors. Further, access to services has to be seen in terms of its coverage, availability of diagnostic facilities, medicines, surgical care and quality. However, cost of care is an important factor that severely affects access to quality health care services. In

resource-scarce countries like India, where 27% of the population lies below poverty line, cost is considered to be a very important and significant issue while accessing quality.

In accessibility to health care centers, absence of health staff, deplorable sanitary conditions in the health centers and lack of drugs are common features in our country. There continues to exist gross disparities in the access to healthcare. This is despite the fact that as early as 1946 the Bhore Committee had recommended the guiding principle that, **"No individual should fail to secure adequate medical care because of inability to pay for it".**

The public hospitals do not provide the majority of medicines on one hand, and the doctors do not prescribe the medicines that the hospitals do provide on the other. The provision of low cost pharmacy, which is feasible and practical, is even denied to the patients. Patients are ultimately left to the devices of the private pharmaceutical sector that charge exorbitant prices. Inadequate access exists even in the sphere of diagnostic services. In spite of having well-equipped laboratories, medical colleges support a large industry of private laboratories, often with close links to the hospital personnel. There exists a symbiotic relationship between the private and the public sector, as the private diagnostic centers fulfill the demand created by the public hospitals. This situation gets justified in the name of non-functioning and poor supply of equipments in the medical colleges. The availability of health services in terms of infrastructure and personnel is also quite dismal. In all the years, though the government has acknowledged the requirements and presence of certain facilities in reality, there exists a huge gap. This, to some extent, explains why the countries health system has not been able to address the huge disease burden, especially in the rural areas.

Quality is achieved when accessible services are provided in an efficient, cost effective, acceptable manner, and when needs and expectations of patients and consumers are met. Wherever good public health services are

available and functional, they are definitely accessed and used by people, especially the poor. The problem generally is non-availability and poor quality of services. Patients are frequently dissatisfied with the quality of government services they receive, for reasons that include inconvenient Out Patient Department (OPD) hours, high cost of services, drugs and tests, staff shortages, and lack of supplies and diagnostic techniques.

Our exploration into the health impact of work in tanneries has not been easy. Despite Vellore being well served by a range of medical institutions which are in existence for a considerable period of time, and despite Vellore being synonymous with the tanning industry for more than a century, the theme of Occupational Health is hardly an issue of concerted action in this area. However there is considerable perception among workers, in particular, of the adverse impact of the industry to their health and environment.

Suggestions

1. The national health programmes should be integrated in the primary health care system with decentralized planning, decision-making and implementing with the active participation of the community.

2. Focus should be shifted from bio-medical and individual based measures to social, ecological and community based measures.

3. The existing medical policies and programmes need to be reviewed in the context of changing socio-economic situation in the country.

The tannery workers suffer under highly insecure and vulnerable working conditions. There are no social security measures to provide risk coverage and ensure maintenance of basic living standards at times of crisis such as unemployment or health issues. The insecurity, lack of safety, occupational health hazards and incidents of exploitation is more in the case of tannery workers. This is because of lack of organization and unionization

among the group which is mainly on account of poor literacy and poor awareness levels and high levels of poverty prevalent among the group.

The researcher also found that though there exists a Tannery Workers Social Security Welfare Board set up by the State Government to look into the welfare aspects of the tannery workers, the awareness on its existence among the lot of workers was found to be lost. Also the awareness on the availability of free legal Aid was found to be absent. Hence, in this regard, the researcher suggests that the Government should conduct awareness programmes in order to create awareness among the workers.

II. ISSUES OF TANNERY WORKERS AT WORK PLACE

The General Working conditions of the tanneries were far from satisfactory. Actually it is in an intolerable condition. When an individual's health fails, it need not be duly due to genetic or biological reasons. The working environment also accounts for it. Work in tanneries exposes individuals to physical, chemical and biological agents which make them vulnerable to accidents. Any attempt to understand fully the causes of health problems consequent upon the processes of industrialization has of necessity to go beyond the immediate casual linkages.

There have been a series of labour laws aimed at ameliorating the working conditions of labour; a couple of these laws are directly related to the safety and health conditions of workers employed in specific occupations and tanneries are one among them. It is precisely these workers, however, who work in unhealthy environment and are engaged in dangerous processes, worse; they form the bulk of the labour force as far as the informal sector is concerned. The most important issues of workers at workplace are the environment and conditions in which he works. Workplace environment and conditions influence worker's performance in tannery or any other industry. A worker should be allowed to work in just and humane conditions and it is the

responsibility of the employer to create a proper working environment and working conditions to work. In this connection the researcher has identified and analyzed certain specific work related issues. Some of them are

- **General Work conditions**
- **Housekeeping**
- **Work Climate and Facilities**
- **Material Handling**
- **Emergency Preparedness**
- **Personal Protective Equipment**
- **Equipment Machinery**
- **Availability of Welfare Amenities**
- **Right to Form Trade Unions.**

The presence of the above mentioned work related issues will satisfy the Right to just and Human Conditions of Work.

1. GENERAL WORK CONDITIONS

The General Work Conditions of Tannery Workers include the conditions of floor, temperature, humidity, noise and quality of light. These can have an effect on safety and health of workers and can be improved by simple means. Similarly, changes of work organizations and work place layout can have an impact on the productivity of the tannery while improving safety and health standards at work. Among the tannery workers surveyed, 71 percentage have said that the floors are slippery, 81 percentage complained about the presence of uncovered and unguarded floor openings and 97 percentage said that the windows are not clean. This shows the level of work conditions prevailing in tanneries. Flooring is an important aspect in tanneries as it involves the risk on the part of the workers if they work in slippery,

unguarded and uncovered floors. In this regard the researcher makes an attempt to put forward the following suggestions with respect to General Work Conditions.

Suggestions on General Work Conditions

1. Ensure that floors have a slip-proof surface. A gently sloping floor will help to drain the effluents and water.

2. Cover all other floor openings (eg. Wells, pits at floor level) to prevent falls and accidents

3. Uneven and at some places broken floor and uncovered drainage prevent the movement of trolleys and require the material and other inputs (eg. Chemicals) to be carried manually from the stores to the work area or from one production stage to the next. Valuable time is lost as the workers can only carry a limited number of skins/hides or materials at a time. Hence simple action of improving the floor will allow easy and faster transfer of chemicals in tannery.

4. Windows must be maintained clean always as dust might accumulate and create health related problems to workers.

5. Supervision on the cleanliness of floors and windows on regular and periodical basis by a supervisor appointed for the purpose should be done by the employer of the tanneries.

2. HOUSEKEEPING

The task of housekeeping in Tanneries involves removing the solid waste from the work area, empty barrels storage removed from the work area, keeping the floor clean from chemical spills and provision of drains with covers and free of clogging. Empty chemical containers can pose a safety risk and health hazard when not disposed properly. In tanneries, over a period of

time spare parts and materials are being placed in the work area for lack of other storage space, incomplete repair of floors and haphazard storage of material leading to a shortage of available pathways and work areas. Such conditions may result in injuries from fall due to uneven or slippery floor conditions or by falling over items kept on the walkways. Uneven and at some places broken floor and uncovered drainage prevent the movement of trolley and require the material and other inputs (eg. Chemicals) to be carried manually from the stores to the work area or from one production stage to the next. Valuable time is lost as the workers could only carry a limited number of skins/hides or materials at a time. At the same time, solid waste collects in open and uncovered of the same and slippery floor conditions, particularly in and around wet-processing areas. Simple action of improving the floor will allow easy and fast transfer of materials and chemicals in tannery. The survey revealed that 96 percentage of workers reported that the solid waste was not removed from the work area, 96 percentage said that empty barrels were not removed from the work area, 96 percentage were unhappy about the cleanliness of the floor as it was not free from chemical spills and 67 percentage of them reported that the drains were not provided with covers and was not free from clogging. Hence the researcher intends to give the following suggestions with regard to housekeeping.

Suggestions on Housekeeping

1. Empty chemical containers must be removed from the store and work areas .The workers need space to work.

2. The chemical containers should be stored in a separate place in the tannery.

3. The rinsing water when not used in tannery should be discharged to the effluent treatment plant.

4. The waste containers should not be used for storage of drinking water or food grains.

5. The empty chemical containers must be given back to the suppliers for refill and reuse.

6. The materials that are not immediately needed for production must be removed from the work area. Clearly indicated separate space must be provided for storage of material process, storage of chemicals and other inputs needed in the immediate production process.

7. Provision and clear indication of passage ways for walking and movement of material. Floor makings, such as coloured preferably yellow should be used as line to mark passageways and dashed lines for specific work areas.

8. Solid waste must be removed and collected as often as possible from the work area and stored temporarily at specially assigned place until final removal or disposal.

9. All the drains in the work area should be covered with grates, with small holes to prevent solid waste from falling into the drains. The grates should be made of concrete, wood or other corrosion proof material and should be at the same level as the floor.

10. All the floor openings should be covered to prevent falls and accidents.

3. WORK CLIMATE AND FACILITIES

It is the duty of any organization or an industry to provide for its employees conducive work climate and facilities. In tanneries proper work climate and facilities is meant by providing workers with ventilation and basic amenities such as clean drinking water, rest rooms, mess rooms, separate

accommodation for clothing put off during work hours, wash rooms, clean showers etc.

Poor lighting leads to low productivity and poor quality, particularly in finishing operations, as workers will start suffering from eye strain, fatigue and head ache. Better lighting does not mean more lights and bulbs to be fixed. The rearrangement of existing lighting and proper maintenance and cleanliness of reflectors/fittings would result in improvements. Adequate ventilation in place and in working condition is more important in tanneries.

Besides good work conditions, availability of welfare facilities contributes not only to the welfare of workers but also to improve production and better relations. The type and quality of welfare facilities may differ from country to country and from company to company. Proper facilities should be given for workers welfare during working hours. It is evident from the data analysis that 55% of the workers reported ventilation is not in place and does not work in proper condition, 65% of them reported that all lights does not work properly as it is not clean and free of corrosion. With regard to welfare amenities almost all the workers reported that they do not have clean drinking water, rest room, separate tea room, separate room for changing clothes, wash room etc. Hence the researcher makes the following suggestions for better work climate and facilities.

Suggestions for Work Climate and Facilities

1. Use of Natural Daylight by installing skylights or modifying size and location of windows. Windows must be kept clean all the time.

2. Ceilings and inner walls should be painted in lighter colours. This provides better reflection and distribution of existing light sources besides resulting in better visual conditions and a pleasant work environment.

3. Direct and indirect glare must be avoided particularly in areas involving multi roller machines and finishing machines directly operated by the workers (e.g. staking machine, glazing jack). Glare can distract the worker's concentration possibly resulting in poorer quality or even accidents.

4. Right places for light sources should be found (e.g. a light source should not be placed above a ceiling fan as it would result in stroboscope effect) and the same should be maintained and cleaned to ensure high light efficiency.

5. Facilities for personal sanitation (toilets, washing facilities, change room for drying and storing working clothes) should be provided near the work areas.

6. Access to clean drinking water and other beverages (e.g. salty drinks in hot climates or hot drinks in cold climates) should be provided to motivate workers. A rest area (e.g. for taking lunch) away from work the area can be provided to workers.

7. Workers must be educated on the laws and regulations of the country which govern conditions of work in order to protect them from the consequence of non-compliance.

4. PERSONAL PROTECTIVE EQUIPMENT

The use of personal protective equipment and clothing is a solution for dealing with health hazards and safety risks at the work place. The most commonly needed personal protective equipment in tanneries and effluent treatment plants are protective clothing (gloves, safety shoes, boots, aprons); hearing protection, protective goggles and shields and respirators. It is the management's responsibility to provide the appropriate personal protective equipment, to keep the same in good and clean condition and to replace when

necessary. It is the workers duty to use the personal protective equipment provided by the management. While numerous types of personal protective equipment are available in the market, selecting the most appropriate and cost-effective one is not an easy task. The use of personal protective equipment should be considered as the last and supplementary solution, where it is not possible to completely eliminate or prevent exposure to hazards. From the data analyses it is evident that majority of the workers are not provided with personal protective equipment. Hence in this regard the researcher intends to give the following suggestions to ensure the effective utilization of personal protective equipment in order to prevent industrial accidents and thereby resulting in industrial safety and security.

Suggestions

1. Since the process of tanning is hazardous in nature, it is necessary that the management should take responsibility to provide the appropriate personal protective equipment to protect the workers from hazardous and dangerous situations at work.

2. Provision of Personal Protective Equipment to workers alone is not enough. Workers need to be trained on the proper use and maintenance of Personal Protective Equipment.

3. When introducing Personal Protective Equipment workers may be reluctant to use the same because they are not used to personal protective equipment or worried about its implication; they may feel uncomfortable due to prevailing humid and hot work conditions. Hence training and information will help them to overcome the resistance more easily. The training can be given on the following aspects:

    - Inform the workers about the possible ill-effects of exposure on their health due to not wearing personal protective equipment

- Remove wrong perceptions about the use of personal protective equipment
- Clearly instruct workers when and where they have to wear personal protective equipment

4. As the workers well being at the workplace is the managements responsibility, exercising supervisory power on the use of personal protective equipment may be necessary.
5. In all cases the management must make sure that the protective equipment fits the worker.
6. As with all other equipment in use in tanneries and effluent treatment plants, personal protective equipment should be properly maintained to ensure its effectiveness and long life.
7. The personal protective equipment should be clean, dry and stored in a separate place. Worn out or damaged personal protective equipment should be replaced immediately.

5. MATERIAL HANDLING

Even under the best of circumstances, tanneries can be dangerous places of work, at times even fatal (Plattus 1989). The requirements of leather do not allow it to be a clean job. Manual operations, lack of proper tools coupled with poverty and the inability of the workers to bring out the issues make working conditions worse, and particularly so in small and cottage industries. The combination of an unorganized industrial and labour structure, sub-human conditions of work (unguarded machines, improper handling of raw materials and chemical leather, wet floors, heavy noise etc) creates specific hazards. It has been noted by the National Institute of Occupational Safety and Health (NIOSH) (1976) that the accidents and illness rate is five times higher in tanneries than the average for all other industries. It also has been estimated

that on an average, every year, one in every five tannery workers is a victim of work related illness or injury.

In the production of leather and in the process of tanning more than 250 different chemicals are used. Workers in the tannery are exposed to these chemicals in various ways like inhalation in the form of air borne substances, ingestion (when workers are eating, drinking or smoking in the work area, without washing contaminated hands), skin absorption (generally through pores or cuts/wounds of unprotected hands, arms, body). Hence, handling of materials poses a threat to the safety and health of workers in tannery. The survey data surprisingly revealed that all the workers are using labeled chemical containers, covered with lids/taps and that combustible/flammable kept away from ignitions, 81 percentage of the workers reported that raw materials/material process are kept on pallets/tables/stacks/racks and 92 percentage of them have said that materials are not moved using trolley. Material and Chemical handling is an important aspect in tannery. Certain important rules should be followed to ensure safety; in the storage and handling of materials and chemicals in tanneries. The storage of chemical containers, adequate storage facilities is a prerequisite for safe storage. The Chemical containers must be covered with lids or taps. Generally the chemical store should always be physically separated from production areas, occupied buildings, other storage areas, workshops or areas with potential sources of ignition such as generators, electrical control panel or transformers. In tanneries combustible/flammable materials are used. This poses a threat to the safety of workers when they are kept near ignition sources. The material safety data sheet of chemicals usually gives detailed information on the respective risk of fire or explosion. Carrying of chemicals manually and in open containers should be avoided to prevent spillage, distribution of vapours and chemical accidents. Hence all materials should be moved in the tannery using a trolley. Careful handling practices will reduce not only safety risks and health hazards but also waste of chemicals and materials and contamination of

the workplace. Hence in order to ensure safety and avoid risk in handling the materials and chemicals the researcher intends to give the following suggestions for a safe working environment.

Suggestions

1. No chemicals should be brought into the tannery, if they are not properly labeled or marked.

2. All the people working with chemicals should receive information on the hazards to health and training on how they should protect themselves should also be given.

3. For efficient management of inherent hazards of chemicals, the first and foremost important step is collecting information. Immediate sources of information are labels on chemical containers, chemical danger signs and chemical safety data sheets. Due to lack of space the information on the label on each container is often incomplete. Additional information can be drawn from material safety data sheets which should be provided by the chemical manufacturer with each hazardous chemical or from the supplier of such chemicals. The material safety data sheet would provide practical information and guidelines to workers on routine handling of the chemical as well as on measures in an emergency.

4. Since oxygen will be present in the air, the focus of preventive action should be on keeping flammable material and sources of ignition separated. Some of the preventive measures include storing chemicals properly and keeping chemical containers covered, chemical spillage cleaned immediately as per the instructions of the material safety data sheet, chemical stores and work areas ventilated to avoid accumulation of vapour, fume, mist etc., waste removed particularly from dry shaving and buffing machines and from work area, fuel for engines stored in separate locations away from the work area in conformity with relevant rules for fuel storage, electrical installation

kept clean and in good order, proper maintenance and lubrication of machines ensured, smoking prohibited in fire prone areas, such as chemical stores and in work areas.

5. The floor of the chemical store should be flat to allow easy handling of chemical containers and non-permeable to prevent contamination of soil and ground water from chemical spills.

6. The raw materials/material process should be kept on pallets/tables/ stacks/racks. Before storing the chemicals in the chemical store, an inventory should be prepared of all chemicals to be kept in the store. The chemicals should be grouped and stored according to their type and compatibility. For easier stock keeping, boards should be provided indicating name, maximum, minimum and current stock for each group.

7. It should be ensured that heavy materials are moved using trolley and not manually. Carrying of chemicals manually and in open containers should be avoided to prevent spillage, distribution of vapours and chemical accidents. Instead, chemicals should be transported in closed containers, using trolleys and pallet trucks. The installation of ramps and leveling of floors will facilitate the use of such trolleys and pallet trucks.

6. RIGHT TO FORM TRADE UNION

Earlier workers used to join unions to protect themselves against exploitation by the management or by force. Hire and fire policies, inhuman working conditions, niggardly wage payments and long hours of work were common in the past and workers joined unions to seek the protection against such practices. Not that these practices are extinct now. They are still practiced in the unorganized sector. Workers in the unorganized sector continue to suffer and do not join unions because of unawareness of its existence. The organized sector is incidentally, highly unionized and consequently, exploitation of the kind witnessed in the past not, by and large,

exist these days. Hence every employee has the right to form and join trade union. With regard to the tannery units in the Vellore district the survey data revealed that trade unions exists at work place, but 86% of them are not members of such union because they were unaware of its existence. Hence the researcher proceeds to give the following suggestions for the awareness of the existence of trade unions and subsequently receive the benefits from the union. Unfortunately the researcher came to know that when workers face any problem in tanneries the trade unions were not in favour of them, rather they supported the management.

Suggestions

Indian Constitution has provided the Right to Form Unions and Association as a Fundamental Right. The tannery workers are unaware of the benefits that they can accrue from trade unions which are being established solely for the benefit of the workers. Mere existence of the trade union is not going to help the workers. Only by active participation from the workers and members of the union would facilitate to enjoy the benefits out of the unions. Hence the government and nongovernmental organizations should intervene and work in collaboration to make the tannery workers especially the unorganized tannery workers aware of the right to form and join trade union and make them become an active member of the union. This right would help the labourers to protect them from Human Rights violation in tanneries.

Efforts should be made by social welfare and non-government organizations to organize the innocent workers under the banner of trade unions so that they may resist the injustice meted to them. The tannery workers should be trained on the benefits and the advantages of joining as members of the trade unions and should be given the confidence of organizing such unions among themselves.

7. RIGHT TO POLLUTION FREE ENVIRONMENT

As part of the exploration of the theme of quality of employment, the researcher attempted to identify the task of the workers and also their conditions in the industry. The researcher found that a fairly large proportion of the workers interviewed reported illnesses that are commonly associated with work in tanneries. A major consequence of this nature of growth and expansion of units of production is that there is no record of the number, terms and conditions, etc. of the labour employed by these units. Moreover, while at the industry level there is growing awareness of the issues of environmental pollution caused by these units, there is as yet no mechanism to get individual units making up the industry to conform to certain acceptable norms of functioning. The worst affected part in this whole scenario of growth is labour. Good environmental control means more than merely installing a treatment plant. The numerous potential impacts from a tannery require a systematic approach, using planning, assessment, maintenance and operational care to complement the application of cleaner technology. Waste avoidance is more efficient than waste treatment.

The solid waste is spread out in an open area near the tannery serving an example for environmental pollution in Vanniambadi taluk of Vellore District



In applying such a systematic approach, one can be guided by principles derived from experience worldwide. Such strategies are:

1. Consider all environmental impacts while taking action.
2. Know what is being discharged or wasted. Carry out periodic waste audits. Keep an up to date inventory of chemicals ordered and used
3. Install equipment with the lowest productions rate (i.e) the highest efficiency.
4. Select chemicals that have the lowest environmental impact and which are relatively easy to treat.
5. Keep equipment and treatment plants in good repair and operation.
6. Reduce spills, accidents and malfunctions through a combination of good plant design, safe operating procedures and staff training. Such preventive strategies require a management context in which – environmental control is everyone's responsibility, beginning with effective action on the part of the top management. An effective environmental programme depends on the systematic integration of factors such as choice of process technology, operation and maintenance of plant, training of personnel and access to proper technical and environmental information. Employees at each level of the company and at each stage of construction and operation should be given incentives to contribute to environmental control.

A clear statement of environmental goals, including discharge standards must be available from the regulatory authorities. Legislative requirements must apply equality to all sectors of the industry. Environmental initiatives taken within a company or by the authorities will be effective only when they are regularly monitored, checked and reviewed. A regular environmental performance report should be prepared for review for management in companies. Regular authorities should also prepare a regular environmental

compliance report, as well as monitoring the state of the ambient-environment near tanneries. Effective enforcement and monitoring are essential if compliance with standards is to be achieved.

In planning for new tannery operations, the use of formal environmental impact assessment procedures can often identify likely problems which can then be addressed before they occur. A variety of assessment tools are available, but the use of simple checklists or interaction matrices by persons familiar with the industry will often suffice for smaller projects.

As regards technology, a number of different directions can be followed. The choice of inherently cleaner production technologies reduces the amount of waste produced. Re – use conversion or recycling of residues and effluents further reduces the quantity of waste and can perhaps even generate an economic return from the sale of secondary products. Finally treatment technology is available to render any remaining residuals harmless to the environment.

Technology is not a cure for all ills. It may even, as in the case of treatment plants, generate in further, different form of residue (generally sludge) which must itself be assessed for its environmental impact. Furthermore, technology is only as effective as its operation, maintenance and upkeep allow it to be advanced technology often requires greater skill in operation and higher chemical and energy consumption.

In a limited way the need for new technologies can be partially side stepped by taking alternative actions such as giving closer attention to process optimization, relocating to sites which are less environmentally sensitive and perhaps using alternative forms of disposal. In extreme cases certain pollution prone manufacturing sequences can be eliminated and the use of certain products avoided.

The lopsided emphasis on the commercial aspects of the industry has largely been at the expense of the environment and the workers involved in the industry, both of which have never been of central concerns in terms of development and expansion plans of the industry. It is well known that the tanning industry is a highly polluting and hazardous industry and has consequently been shifted from developed to developing countries because of the inability of the developed countries to cope with the stringent environment and safety standards enacted in those countries. The developing countries, in their anxiety to solve their growing problems of poverty and unemployment, continue to propose more economic growth without very often questioning the quality of this growth or the nature of employment being generated.

8. RIGHT TO PROTECTION FROM OCCUPATIONAL HEALTH HAZARDS

The tanneries have a negative impact on workers and the dwellers which are suffering a lot, working and living nearby the factories that are exposing huge amount of toxic substances. This causes many health related problems. Tannery worker suffer from severe skin diseases, allergy and various problems. Most of the cases, medicines do not work on them anymore. They process animal hides with toxic chemicals. Before tanning they work with chemical-mixed water, liming and de-liming, scrapping off meat and fat. They do it with bare hands. Chromium, sulphur, manganese, copper compound, lead and others are used to tan which are toxic to health. Chemical mixtures, acids and dyes used in the tanneries are very toxic for their health. Some of them are forced to work for tanning in this hazardous situation though they are paid little. Reused chemicals from the larger factories are being used by the small factories which are more dangerous and vulnerable for the workers as well as for the environment.

Most of the workers work with bare feet when they clean dirt, blood and chemicals which cause various diseases. Jaundice, nausea and headache are

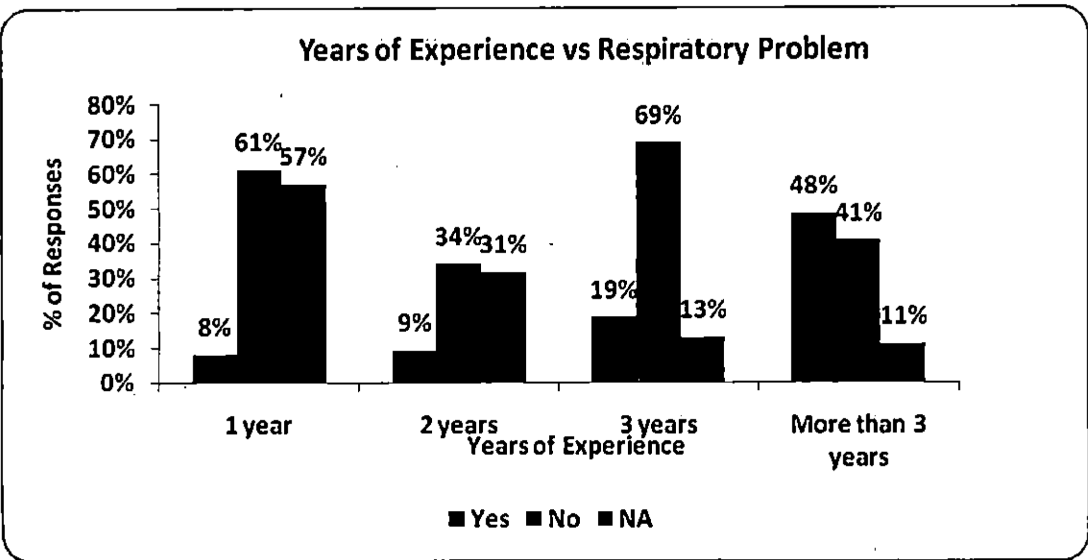
other common sicknesses that prevail among them. The toxic chemicals used in tanneries cause boils, inflammation in hands and legs, skin diseases, allergy, and other infection. During work these chemicals evaporate to the air which damages lungs and causes respiratory illness such as asthma and bronchitis through inhalation by the workers. The following table shows the cross tabulation between the years of experience of the respondents and the respondents affected by respiratory problems.

Table : 7.1 : Cross Tabulation on the Relationship Between Years of Experience and Respiratory Problem

No. of Years Experience	Respiratory Problem			Chi-Square	Sig value
	Yes	No	NA		
1 year	8%	61%	57%	78.582	0.00
2 years	9%	34%	31%		
3 years	19%	69%	13%		
More than 3 years	48%	41%	11%		

This cross tabulation reveals whether years of experience has an effect on respiratory problem. It is evident that when an employee works for more number of years in a tannery he is likely to be affected by occupational health problems. The health problem seen here is respiratory problem. According to this survey 48% of the workers are affected by respiratory problem as they have been working in tanneries for more than 3 years.

Graph : 7.2 : Relationship Between Years of Experience and Respiratory Problem



Unsatisfactory occupational safety and health (OSH) standards at work often result in lower productivity of the worker, unacceptable quality of leather and avoidable waste of resources. Even in traditional tanneries it is possible to significantly improve the OSH standards at little or no cost. Many solutions are simple and of low cost which can be easily adopted by the industry, big and small, significantly contributing to improved productivity, environmental betterment and more conducive work conditions at the same time. Lack of awareness and know-how has so far prevented tanners, from improving the OSH situation in the tanneries.

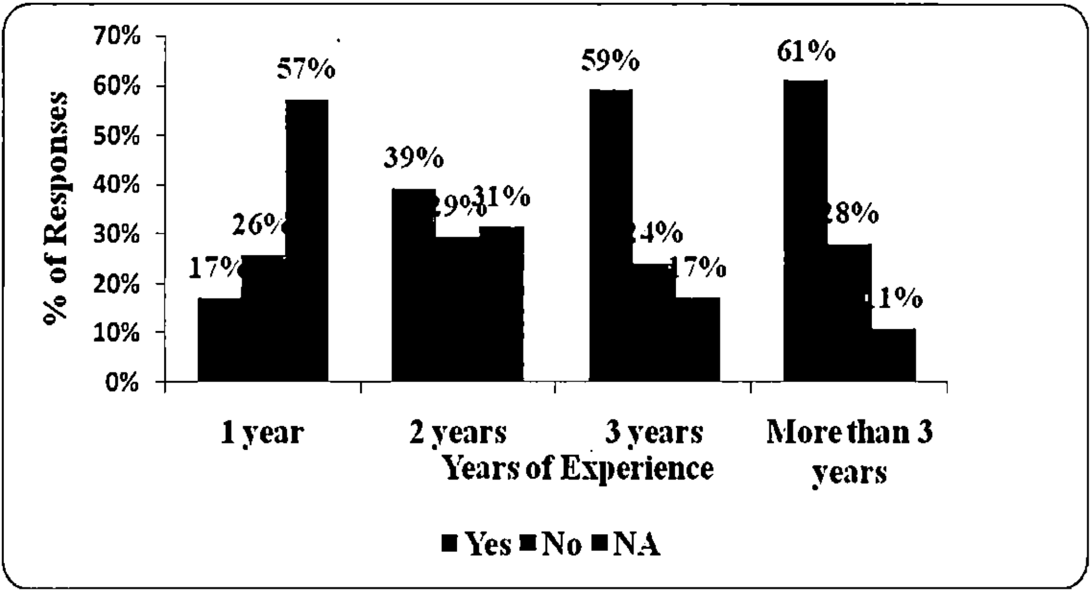
From the data analysis it is visible that tannery workers are prone to be victims of occupational health problems and diseases. The analysis has revealed some of the common types of occupational problems faced by tannery workers are skin allergy (53%), respiratory problems (27%), hearing impairment (6%) and eye irritation (34%). The researcher has given the work experience and workers affected with Skin Allergy through cross tabulation.

Table : 7.2 : Cross Tabulation on the Relationship Between Years of Experience and Skin Allergy

No. of Years Experience	Skin Allergy			Chi-Square	Sig value
	Yes	No	NA		
1 year	17%	26%	57%		
2 years	39%	29%	31%		
3 years	59%	24%	17%		
More than 3 years	61%	28%	11%	49.400	0.00

The above table shows the cross tabulation between the years of experience of the respondents and the respondents affected by skin allergy. This cross tabulation reveals whether years of experience has an effect on skin allergy. It is evident that when an employee works for more number of years in a tannery he is likely to be affected by skin allergy. According to this survey 61% of the workers are affected by skin allergy as they have been working in tanneries for more than 3 years.

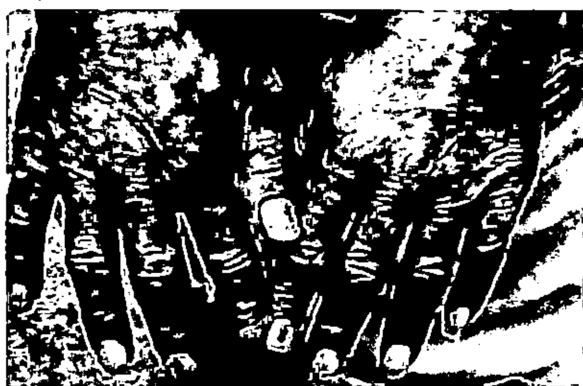
Graph : 7.3 : Relationship Between Years of Experience and Skin Allergy

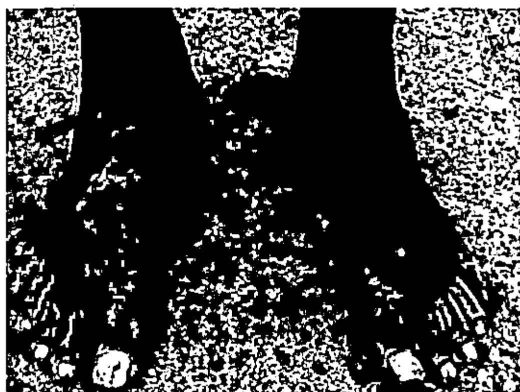


In improving the OSH in a tannery, the first step is to adopt good housekeeping measures. This has to be followed by proper operation procedures. Occupational hazards in a tannery arise while handling machinery and equipment, storage and application of chemicals and poor work environment (such as slippery floor, leaking pipes, hanging electric wires, etc.). Elimination or curling effect of safety risks and health hazards creates the basic framework for improving the occupational safety and health standards at work. Physical arrangements are not sufficient for safety, health and well being of worker. These have to be seen in combination with safe behaviour and practices. Thus the focus of efforts should be for ensuring a good record of safety and health practices in the company. Hence the researcher intends to give the following suggestions for the safety and health of workers.

Mr.Munusamy aged 50 has been working in tanneries for the past 28 years is affected with skin disease







Mr. Murugan Aged 60 has been working in Tanneries for the past 30 years is affected by skin disease. A witness to reveal Occupational Health Disease







Suggestions

1. Factories Act and other laws regarding Occupational Health and safety should be amended to involve workers and trade unions in implementation.

2. The Government should publish annual report of implementation of all the laws regarding health and safety. There should be separate data for men and women workers for fatalities, injuries and diseases.

3. The Government should create a separate cell for women workers to monitor implementation of legal provisions regarding Occupational Health and Safety. Adequate numbers of women inspectors should be appointed. At least one in each district is recommended.

4. Organizations working with women and trade unions need to be more sensitive towards occupational health and safety. There is an urgent need for more research, training and work on diagnosis and compensation issues.

5. For compensating the workers dying or injuring of either fatal accidents or occupational diseases, Central Government should enact central law in line with a law in Tamil Nadu under which Government should pay the compensation.

6. Need to support Occupational Health and Safety groups for setting up clinics for diagnosis of occupational diseases, sensitizing doctors, research and legal counseling and help.

7. Each worker in the tannery and effluent treatment plant should undergo general safety orientation and training in the form of induction and refresher training which should cover existing health hazards and safety risks in their location, safe behaviour and work practices, basic first aid, what to do in emergencies.

8. The non-governmental organizations should conduct periodic health camps in order to check the condition of workers and diagnose health problems relating to occupation for necessary treatment.

9. Large proportion of the men and women work in unorganized sectors. These workers don't have any legal cover for health and safety at work. Government of India has not ratified ILO resolution no.155. If it ratifies it, then workers working in all economic sectors will get rights for protection of health and safety at work. Government should ratify this resolution and make necessary changes in existing laws in accordance with it as soon as possible.

10. General awareness should be created on safety and health in tanneries.

11. Workers should be informed on safety risks and health hazards at their work place.

12. Workers should be trained on safe behaviour and work practices.

13. Workers should be supervised effectively, particularly those engaged in work involving hazardous machines, chemicals and process.

14. Information regarding potential safety risks and health hazards, precautionary safety and emergency practices must be provided to all workers including casual workers.

15. At the work areas, particular those involving hazardous operations, specific safety guidelines should be visibly affixed.

16. Safety and precautionary signs increase the awareness about specific potential hazards and promote adherence to safe practices.

17. Each worker in the tannery should undergo general safety orientation and training in the form of induction and refresher training.

TESTING OF HYPOTHESIS

The researcher attempted to study the socio-economic condition of tannery worker and their rights at the workplace. For this the researcher had identified five broad indicators – Right to Human Dignity, Right to Social Security, Right to Just and Humane Conditions of Work, Right to Protection from Harassment, Right to Protection from Occupational Health Hazards which includes Pollution Free Environment. By analyzing through Interview and Questionnaire, the researcher identified that there is violation of rights in the above mentioned indicators. Therefore the hypothesis framed for the research shows that there is Human Rights violation in the tanneries of Vanniambadi Taluk of Vellore district. This violation is due to the unawareness of their rights that they possess as workers. Illiteracy, irresponsible attitude of the labour welfare officers, lack of enforcement of rules and lack of moral and ethical values present with the tannery owners are found to be the reasons for such violation being persistent in tanneries.

SCOPE FOR FURTHER RESEARCH

Although many studies have been already done by various scholars on the subject related to workers in tanneries, the Study of these workers in Human Rights Perspective is relatively new. To study the Human Rights Violation of Tannery Workers the researcher has specifically chosen the Right to Live with Human Dignity, Right to Social Security and the Right to Just and Humane Conditions of Work and has analysed and produced them as facts in the earlier chapters. While pursuing the Research, the researcher came to know that there are several aspects that can be still studied in-depth with regard to the tannery workers. **Hence further research topics include "A Study on the Rights of the Contract Labourers Working in Tanneries", "Socio Economic Conditions of Tannery Workers", "A Study on Child Labour in Tanneries", "Human Rights of Women Working in Tanneries – A Study".**

In spite of an array of labour welfare legislations, programmes, services, various international organizations, International conventions exists, it is unfortunate to note that some sections of labour have their ugly faces in India. There appears no improvement in the working condition of tannery workers. Serving as it does, this arduous research work is only the tip of the ice berg. The researcher humbly acknowledges that this thesis is only a drop in the ocean, being at the same time conscious of the fact that the ocean is made up of a massive collection of drops and this research work may strike a sympathetic chord and stir the soul of some who are sensitive to the sufferings of the "pitiable workers" and thereby lead to enrich further research in this field. This, then, must be the utility of this research study.

Bibliography

BIBLIOGRAPHY

1. Adams Robert M., ***"Occupational Skin Disease : Tannery Workers"***, Grune Stratton Incorporation, New York, 1973.

2. Adda Bozoman, ***"The Future of Law in a Multicultural World"***, Princeton University Press, New York, 1971.

3. Aftab Alam, ***"Human Rights in India : Issues and Challenges"***, Raj Publications, New Delhi, 2000.

4. Agarwal H.D., ***"Human Rights"***, Central Law Agency, Allahabad, 2000.

5. Agarwal R.D., ***"Dynamics of Labour Relations in India : A Book of Readings"***, Tata Mcgraw Hill Publishing Company Limited, New Delhi, 1974.

6. Agarwal, Arjun P., ***"Gheraos and Industrial Relations"***, Tripathi Publishers, Bombay, 1968.

7. Ahluwalia Isher J., ***"Productivity and Growth in Indian Manufacturing"***, Centre for Policy Research, New Delhi, 1991.

8. Anand H.S., ***"Informal Sector and Urban Employment Generation in Employment Promotion in the Urban Informal Sector"***, New Age International Private Limited, New Delhi, 1998.

9. Anand V., ***"Small Enterprises and Urban Economy"***, Chugh Publications, Allahabad, 1991.

10. Anuradha Kumar, ***"Human Rights Development of Under Privileged"***, Sarup and Sons, New Delhi, 2006.

11. Ashwin N Katarai, ***"Human Rights"***, Jamnadas & Company, Mumbai, 2001.

12. Banerjee N., and Nihila M., ***"Business Organisation in Leather Industries of Calcutta and Chennai"***, Sage Publications, New Delhi, 1999.

13. Basu D.D., ***"Human Rights in Constitutional Law"***, Prentice Hall Publication, New Delhi, 1994.

14. Berman J., ***"Footloose Labour: Working in India's Informal Economy"***, Cambridge University Press, Cambridge, 1996.

15. Bhakshi P.M., ***"Constitution of India"***, Universal Law Publishing Company Private Limited, 2005.

16. Bhattacharjee, ***" Equality, Liberty and Property"***, Eatern Law House, Calcutta, 1997.

17. Brassard C., and Archarya S., ***"Labour Market Regulation and Deregulation in Asia"***, Academic Foundation, New Delhi, 2006.

18. Bura N., ***"Born to Work"***, Oxford University Press, New Delhi, 1995.

19. Calnan C.N., ***"Fungicides Used on Leather"***, The Leather Conservation Centre, Northampton, 1985.

20. Cranston M., ***"What are Human Rights"***, National Academy, 1973.

21. Das K., ***"Income and Employment in Informal Manufacturing : A Case Study"***, Sage Publications, New Delhi, 2003.

22. De D.J., ***"Interpretation and Enforcement of Fundamental Rights"***, Eastern Law House, Calcutta, 2000.

23. Dicey A,V., ***"Introduction to the Study of the Law of the Constitution"***, Mac Millan and Company, London, 1961.

24. Elaine Pagels, ***"The Roots and Origins of Human Rights"***, Edited by Alince H Hanbin, New York, 1979.

25. Fred O'Flaherty, William T.Roddy, and Robert M.Lollar, ***"The Chemistry and Technology of Leather",*** Robert Krieger Publishing Company, Florida, 1958.

26. Furlong J.R., ***"The Preparation of Empire Hides and Skins",*** Published by the Imperial Institute, London, 1937.

27. George D.Mclaughlin and Edwin R. Theis, ***"The Chemistry of Leather Manufacture",*** Reinhold Publishing Corporation, U.S.A., 1945.

28. Ghosh S.P., ***"Sports Goods Leather",*** Central Leather Research Institute, Adyar, 2003.

29. Giri V.V., ***"Labour Problems in Indian Industry",*** Asia Publishing House, Bombay, 1960.

30. Giriraj Shah, ***"Human Rights : Looking Back and Forgoing Ahead",*** Himalaya Publishing House, Mumbai, 2004.

31. Goswami V.G., ***"Labour and Industrial Laws",*** Central Law Agency, Allahabad, 2004.

32. Gupta U.N., ***"The Human Rights Conventions and Indian Law",*** Atlantic Publishers and Distributors, Nice Printing Press, New Delhi, 2004.

33. Hector Bartolomei de la Cruz, Geraldo Von Potobsky and Lee Swepston, ***"The International Labour Organisation : The International Standard System and Basic Human Rights",*** West View Press, 1966.

34. Hegel G., ***"Philosophy of Rights",*** Clarendon Press, London, 1942.

35. Heidemann E., ***"Fundamentals of Leather Manufacturing",*** Printed by Edward Roetherdruck, Germany, 1993.

36. Holmstrom M., ***"Industry and Inequality : The Social Anthropology of Indian Labour",*** Cambridge University Press, Cambridge, 1984.

37. Hower F.N., ***"Vegetable Tanning Materials"***, Butter Worths Scientific Publications, London, 1953.

38. Ian Brownlie, ***"Basic Documents in International Law"***, Oxford University Press, London, 2001.

39. Ishwara Bhat P., ***"Fundamental Rights – A Study of their Interrelationship"***, Eastern Law House, Calcutta, 2006.

40. Jagannath Mohanty, ***"Teaching of Human Rights – New Trends and Innovations"***, Deep and Deep Publications Private Limited, New Delhi, 2005.

41. Jean .J. Tamous, ***"Skin, Hide and Leather Defects"***, Leather Industries of America, Lee Corporation, Ohio, 1986.

42. Jeremy Bentham, ***"The Theory of Legislation"***, edited by Upendra Baxi, Tripathi Private Limited, Bombay, 1957.

43. Jetli N.K., ***"India: Economic Reforms and Labour Policy"***, New Century Publications, New Delhi, 2004.

44. Joel Feinberg, ***"Social Philosophy"***, Prentice Hall, New Jersey, 1973, p.85.

45. John Minnoch, ***"Hides and Skins"***, Third Edition, Prepared by Education Committee, National Hide Association, Eakin Press, Texas, US, 1979.

46. John Rawls, ***"A Theory of Justice"***, Oxford University Press, London, 1973.

47. Jones Peter, ***"Rights"***, Cited in International Encyclopedia of Human Rights : Freedom Abuses and Remedies Edited by Robert L.Maddex, CQ Press, Washington, 2000.

48. Joshi S.C., ***"Human Rights –Concepts, Issues and Laws"***, Ahansha Publishing House, New Delhi, 2006.

49. Kant Baier, (Ed.) Chapman, ***"Human Rights"***, Nomos XXIII, New York Press, 1981.

50. Karunanidhi M., ***"Defend Our Rights"***, Mathivanan Publications, Chennai, 1999.

51. Krishna Iyer V.R., ***"Human Rights and Inhuman Wrongs"***, BR Publication Corporation, New Delhi, 2003.

52. Krysztof Beinkiewilz, ***"Physical Chemistry of Leather Tanning"***, Robert Krieger Publishing Company, Florida, 1983.

53. Laxmikanth M., ***"Indian Polity"***, Tata McGraw Hill Publishing Company Limited, New Delhi, 2004.

54. Lewis Henkin, ***"Human Rights in International Law"***, Clarendon Press, United States, 1984.

55. Lohit D Naikar, ***"The Law Relating to Human Rights"***, Puliani and Puliani Publications, Bangalore, 2004.

56. Madan B.K., ***"The Real Wages of Industrial Labour in India"***, Management Development Institute, New Delhi, 1977.

57. Mahadevan T.S.K., ***"A Manual on Practical Leather Processing"***, Indian Leather Publication, Chennai, 2001.

58. Mahadevan T.S.K., Khanna J.K., Ramasamy K.A., ***"Industrial Leathers"***, Central Leather Research Institute, Madras, 1985.

59. Majumdar R.C., ***"An Advanced History of India"***, Mac Millan Press, New Delhi, 1978.

60. Marion Kite and Roy Thomson, ***"Conservation of Leather and Related Materials"***, Elsevier Linaese House, Oxford, 2006.

61. Martin Golding, ***"Towards a Theory of Human Rights"***, The Monist, No.4. 1968.

62. Milton Park, Egham, Surrey, ***"Hides, Skin and Leather under the Microscope",*** The British Leather Manufacturers Research Association, 1987.

63. Mishra A.K., ***"Indian Polity",*** Tata McGraw Hill Publishing, New Delhi, 2004.

64. Natarajan N., ***"Eco-Friendly Vegetable Tanning Leather",*** Indian Leather Publications, Chennai, 2000.

65. Nayudamma Y., &Bangaruswamy S., ***"Technological Controls in Leather Manufacture",*** National Information Centre for Leather and Allied Industries, 1980.

66. NIIR Board of Consultants and Engineers, ***" Leather Processing and Tanning Technology Handbook",*** National Institute of Industrial Research, Delhi, 2005.

67. Nirmala Jeyaraj, ***"Human Rights and Duties",*** Raj Publishers, Madurai, 1998.

68. Ponnaian M., Panch Ramalingam Rani Ponnaian, ***"Human Rights for the Third Millennium",*** Pon Rani Publications, New Delhi, 2001.

69. Prakash Chander, Prem Arora, ***"International Relations",*** Cosmos Bookhive, New Delhi, 1995.

70. Rahul Rai, ***"Human Rights UN Initiatives",*** Authors Press, New Delhi, 2000.

71. Rai B.M.Das Bahadur, ***"Hand-Book of Tanning",*** Bengal Government Press, Bengal, 1945.

72. Rajajee M.S., ***"Leather Industry with Special Reference to Exports from South India",*** Sri Venkateswara University Press, Tirupathi, 1989.

73. Raphael D.D., ***"Political Theory and Rights of Man",*** Mc.Millan Publishers, London, 1967.

74. Rathin Bandyopadhyay, ***"Human Rights of the Non-Citizen"***, Deep and Deep Publications Private Limited, New Delhi, 2007.

75. Richard Gibbs, ***"Leather"***, Wayland Publishers Limited, England, 1981.

76. Richard Wasserstrom, ***"Rights, Human Rights and racial Discrimination"***, Meldon (Ed.) Human Rights, Belmount, California, 1970.

77. Sadulla S., ***"The Leather Industry"***, Kothari Group Publications Division, Chennai, 1995.

78. Sankar U., ***"Economic Analysis of Environmental Problems in Tanneries and Textile Bleaching and Dyeing Units and Suggestions for Policy Action"***, Allied Publishers Limited, Chennai, 2006.

79. Sankar U., ***"Trade and Environment - A Study of India's Leather Exports"***, Oxford University Press, New Delhi, 2007.

80. Sarkar K.T., ***"Modern Practice in Retaining Dyeing and Finishing of Leather"***, Sarkar Publishers, New Delhi, 1996.

81. Sharma M.P., ***"The Concept of Equality in the Indian Constitution"***, Amar Publications, Aligarh, 1984.

82. Sinha, Saurabh and Sanjay Sinha, ***"Indian Leather Industry : The Challenge of Modernisation"***, Oxford Publishing Company Private Limited, New Delhi, 1992.

83. Srinivasan S., ***"The Factories Act, 1948 (63 of 1948) with Tamil Nadu Factories Rules 1950"***, Madras Book Agency, Chennai, 2005.

84. Starke, ***"International Law"***, Aditya Books Private Limited, New Delhi, 1994.

85. Sterling Smith, ***"Promoting Labour Rights in Pakisthan"***, Labour and Society International, Karachi, 2000.

86. Sunil Deshta, Kiran Deshta, "***Fundamental Human Rights***", Deep and Deep Publications Private Limited, New Delhi, 2003.

87. Suresh Kumar Soni, "***Human Rights***", Regal Publications, New Delhi, 2007.

88. Sylvia A. Matheson, ***"Leather Crafts in the Lands of Ancient Persia"***, Spain, Christmas, 1978.

89. Tiber Macham, ***"Prima Facie V Natural Human Rights"***, Journal of Value Inquiry, No.2, 1976.

90. Venkataramaiah E.S., ***"Emerging Human Rights"***, International Law Association, New Delhi, 1998.

91. Vincent Arputhom A., ***"Labour and Industrial Laws"***, Southern Publishers, Chennai, 2006.

92. Vincent R.J., ***"Human Rights in International Relations"***, Cambridge University Press, New York, 1986.

93. Weiner M., ***"The Child and the State in India : Child Labour and Eucation Policy Comparative Perspective"***, Princeton University Press, Princeton, 1991.

94. Woodroffe D., ***"Standard Handbook of Industrial Leathers"***, National Trade Press, London, 1949.

Journals and Reports

1. ***"Export of Leather and Leather Products –Facts and Figures"***, 2001-2002, Council for Leather Exports, Chennai, 2002.

2. ***"Indian Hides and Skins – Historical Characteristics"***, Central Leather Research Institute, Chennai, 1963.

3. ***"Industrialization and Socio-Cultural Change in the Tannery Belt of the Palar Valley (Tamil Nadu)"***, Edited by Loraine Kennedy, French Institute of Pondicherry, Pondicherry, 2004.

4. *"Leather Clothing – Its Manufacture and Maintenance"*, Published by British Leather Confederation, Fabric Care Research Association, Crampton and Sons Limited, Cambridge, 1989.

5. *"Leather Industry in India"*, by the All-India Manufacturer's Organisation, Bombay, 1948.

6. *"Policy Note on Labour, Factories, Employment and Training"*, Labour and Employment Department, Demand No.31, Tamil Nadu, 2004.

7. *"Report of All India Survey on Raw Hides and Skins"*, Prepared for Ministry of Commerce and Industry, Government of India, New Delhi, 2005.

8. *"Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector"*, National Commission for Enterprises in the Unorganized Sector, Academic Foundation, New Delhi, 2007.

9. *"Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector"*, National Commission for Enterprises in the Unorganized Sector, Government of India, Academic Foundation, New Delhi, 2008.

10. *"Report on Social Security for Unorganised Workers"*, National Commission for Enterprises in the Unorganised Sector, Government of India, 2006.

11. *"State Human Rights Commission –Tamil Nadu"*, Annual Report 2006-2007, SHRC, Tamil Nadu.

12. *"Tanneries and the Environment – A Technical Guide"*, Prepared by the United National Environment Programme (UNEP) & Industry and Environment Office (IED), 1992.

13. *"Tanning and Dyeing Leather"*, Organic Chemicals Department, Wilmington, U.S.A., 1980.

14. ***"Tanning of Hides and Skins",*** Prepared by the International Labour Office and the UN Industrial Development Organisation, Indian Leather Publication, Chennai, 1981.

15. ***"United Nations Actions in the Field of Human Rights",*** New York and Geneva, 1994.

16. Abu Baker, Cheman, David Gold, ***" Safety and Health in the Use of Chemicals at Work – A Training Manual",*** International Labour Organisation, Geneva, 1993.

17. Ahmad Mukhtar, ***"Labour Investigation Committee Government Of India, Report on Labour Conditions in Tanneries and Leather Good Factories",*** Government of India Press, India, 1946.

18. Anant T.C.A., and Sundaram K., ***"Wage Policy in India : A Review",*** The Indian Journal of Labour Economics, New Delhi, 1998.

19. Anker R., ***"Gender and Jobs : Sex Segregation of Occupations in the World",*** International Labour Organisation, Geneva, 1998.

20. Bandohpadhyay D., ***"Preventable Deaths",*** Commentary Economic and Political Weekly, July24, 2004.

21. Bhagat M., ***"Poverty and Minimum Wages",*** The Indian Journal of Labour Economics, 1997.

22. Bhat Ela R., ***"The Unprotected Labour",*** The Indian Journal of Labour Economics, 1994.

23. Bulian J., Shasranaman A., Hannak J., ***"Occupational Safety and Health Aspects of Leather Manufacture",*** Prepared by the Regional Programme Office (UNIDO), Regional Programme for Pollution Control in Tanning Industry in South East Asia, Council for Leather Exports, India, 1999.

24. Burra N., ***"Child Labour in the Brass-Ware Industry of Moradabad Uttar Pradesh"***, International Labour Organisation/ Asian Regional Team for Employment Promotion, New Delhi, 2006.

25. Byrne Iain, ***"Making the Right to Health a Reality:Legal Strategies for Effective Implementation"***, Common Eealth Law Officer, Interights Visting Fellow, Human Rights Centre, Essex University, 2005.

26. Dutta S.S., ***"An Introduction to the Principles of Physical Testing of Leather"***, Indian Leather Technologists Association, Calcutta, 1990.

27. From the Commissioner of Labour Letter No Z3/32766/06 dated 17/6/2006 G.O.Ms.No.73, Labour and Employment Department dated 1/9/2006.

28. G.O. No.1476-77, Devt. (Mis), 23 October, 1935.

29. Ghellab Y., ***"Minimum Wages and Youth Employment"***, Employment and Training papers, ILO, Geneva.

30. Gosh R., ***"Brick Kiln Workers : A Study of Migration Labour Process and Employment"***, NLI Research Studies Series No 57/2004, V.V.Giri National Labour Institute, Noida, Uttar Pradesh, 2004.

31. Government of India, ***"Report on Labour Conditions in Tanneries and Leather Good Factories"***, Labour Investigation Committee, 1946.

32. Government of Tamil Nadu, ***"Report of the Sub-Committee to Study the Working and Living Conditions of Leather Workers in the Unorganised Sector of Leather Industry in Tamil Nadu"***, Madras, 1986.

33. Gupta, Clerk B.N., Harish Chandra and Mahendra P.W., ***"Skin Disease in Tannery Workers"***, Indian Journal of Occupational Health, Volume XXVII. No7, 1978.

34. ILO 1999, ***"Decent Work for All"***, International Labour Organisation, Geneva.

35. ILO 2001, ***"Reducing the Decent Work Deficit: A Global Challenge"***, 89th Session, Report 1(A), International Labour Organisation, Geneva.

36. ILO 2002a, ***"Report of Seventeenth International Conference of Labour Statisticians"***, International Labour Organisation, Geneva.

37. ILO 2002b, ***"Decent Work and the Informal Economy"***, Report VI, International Labour Conference, 90th Session 2002.

38. ILO 2002c, ***"A Future Without Child Labour"***, ILO Report of the Director-General, International Labour Organisations, Geneva.

39. ILO 2002d, ***"Women and Men in the Informal Economy:A Statistical Picture"***, Employment Sector, International Labour Organisation, Geneva.

40. International Labour Organization, ***"Encyclopedia of Occupational Health and Safety"***, Volume II, McGraw Hill Book House Company, London, 1974.

41. International Labour Organization, ***"The Impact of Employment and Income of Structural and Technical Changes in Leather and Footwear Industry"***, Third Technical Meeting for the Leather and Footwear Industry, Geneva, 1983.

42. ***International Leather Guide 2007***, Willington Media Limited, United Kingdom, 2006.

43. Jeyarajan J., ***"Child Labour in Chrompet Leather Manufacturing Units of Tamil Nadu"***, NLI Research Studies Series No 35/2002, V.V.Giri National Labour Institute, Noida, Uttar Pradesh, 2002.

44. Karnik V.B., ***"Indian Trade Unions – A Survey"***, Labour Education Service, Bombay, 1960.

45. Koteswara Rao C., and Sadulla S., ***"Lecture Notes on Elements of Leather Manufacture",*** Central Leather Research Institute, Madras, 1982.

46. Mukul, ***"Polluting Industries, Environment and Workers Health : A Care for Intervention",*** Economic and Political Weekly, Vol XX II, No.35, 1997.

47. Naidu R., Willet I.R., Mahimairajah, Kookana R., and Ramaswamy K., ***"Towards Better Management of Soils Contaminated With Tannery Waste",*** Proceedings of a Workshop Held at the Tamil Nadu Agricultural University, Coimbatore, India, 31 January to 4 February 1998.

48. National Human Rights Commission, ***"Report on Prevention of Atrocities",*** New Delhi, 2004.

49. National Institute of Occupational Safety and Health, ***"Health and Safety Guide for the Tanning Industry",*** US Department of Health, Educational Welfare, Public Health Service, Ohio, 1976.

50. Nayudamma Y., & Venkatachalam, ***"Education in Leather Technology",*** Central Leather Research Institute, Chennai, 1964.

51. Nihila Millie, ***"Growing Industries Sick Workers : A Study of Leather Tanning Industry of Dindigul from an Occupational Health Perspectives",*** Review of Development and Change, Madras Institute of Development Studies, 2002.

52. Notification by the Government of Madras on 4the February 1942, Ref : Fort St.George Gazette, February 10, 1942, Part I, pp. 167-68 in Labour Legislation in India.

53. Parikh J.R., ***"Occupational Health Hazards in Tannery Workers",*** Indian Journal of Occupational Health, Volume XXVI Nos 1-6, 1984.

54. Ranganathan T.S., Jayaraman K.S., Parthasarathy K., Ramasamy K.A., ***"Upper and Lining Leathers (Hides)"***, Central Leather Research Institute, Madras, 1983.

55. Research, Reference and training Division, ***"India 2008 – A Reference Annual"***, Publications Division, ministry of Information and Broadcasting, Government of India, New Delhi, 2007.

56. Richard Dean, ***"The Soviet View of Human Rights in International Law"***, Virginia Journal of International Law, 1981, U.S.

57. Sahasranaman A., ***"Environment Management A Study of the Indian Leather Industry"***, Council for Leather Exports, Chennai, 2003.

58. Sambandham S., ***"An Introduction to Human Rights Act 1993"***, *State* Human Rights Commission, Tamil Nadu, 2001.

59. Sekar R.H., ***"Child Labour in Hazardous Industries : A Case of Slaughter House and Allied Occupations"***, NLI Research Studies Series No 47/2003, V.V.Giri National Labour Institute, Noida, Uttar Pradesh, 2003.

60. Shasranaman A., ***"Occupational Safety and Health in Tanning Industry in South East Asia"***, United Nations Industrial Development Organisation, Fourteenth Session of the Leather and Leather Products Industry Panel Zlin, Czech Republic, 2000.

61. Subs. by G.O. Ms. No. 1069, dated 29th October 1974

62. Subs. vide G.O.Ms.No.2223, Labour and Employment, dated the 6th October, 1988.

63. Swaminathan Padmini, ***"Work and Reproductive Health : A Hobson's Choice for Indian Women"***, Volume XXXII No 43, Economic and Political Weekly, 1997.

64. The Institute of Cost and Works Accountants of India, ***"Costing in Leather Processing Industry",*** Central Leather Research Institute, Chennai, 2001.

65. The World of News, ***"World Leather",*** April, 2006.

66. Thurman J.E., Louzine A.E., Kogi K., ***" Higher Productivity and a Better Place to Work- Action Manual",*** International Labour Organisation, Geneva, 1988.

67. Usha P., ***"Leather Industry of Tamil Nadu – Study of Structural Change During 1960-1980 (With Special Reference to the Export Trade Control Policy)",*** Unpublished Ph.D Dissertation, University of Madras, 1984.

68. Varma S., and Kumar M., ***"From Leather Artisans to Brick Klin Workers : Narratives of Weary Travelers",*** NLI Research Studies Series No 28/2001, V.V.Giri National Labour Institute, Noida, Uttar Pradesh, 2001.

Web Sites

1. www.leathermag.com
2. www.leatherindia.org
3. www.ilo.org
4. http://www.fn.gov.in/policy notes/labour_employment.htm
5. www.nhrc.nic.in
6. www.clri.nic.in
7. www.wikipedia.org
8. www.vaniyambadi.net

Questionnaire

QUESTIONNAIRE
HUMAN RIGHTS OF WORKERS IN LEATHER TANNING INDUSTRY - A STUDY
[WITH SPECIAL REFERENCE TO VANNIAMBADI TALUK OF VELLORE DISTRICT IN TAMIL NADU]

Personal Information

1. Name :
2. Sex : Male ☐ Female ☐
3. Age :

a) 15-20	☐	b)21-25	☐
c) 26-30	☐	d) Above 31	☐

4. Marital Status :

a) Single	☐	b) Married	☐
c) Widowed	☐	d) Separated	☐

5. Community :

a) FC	☐	b) BC	☐
c) MBC	☐	d) SC/ST	☐

6. Religion :

a) Hindu	☐	b) Christian	☐
c) Muslim	☐	d) Other's	☐
		Specify....................	

7. Status of Work :

b) Daily Wages	☐	b) Regular	☐
c) Contract	☐	d) Other's	☐
		Specify....................	

8. Do you have the habit of drinking Liquor?

a) Yes	☐	b) No	☐

PART – A
SOCIO-ECONOMIC STATUS OF TANNERY WORKERS

I. RIGHT TO LIVE WITH HUMAN DIGNITY

1. Right to Clothing

1.1 Do you have adequate dress to wear?

a) Yes ☐ b) No ☐

1.2 How many dresses do you have?

a) 1-3 ☐
b) 4-6 ☐
c) More than 6 ☐

2. Right to Housing

2.1 The status of house you live in

a) Rented ☐ b) Owned ☐

2.2 What type of house do you live in?

a) Concrete ☐

b) Asbestos ☐

c) Thatched ☐

3. Right to Education

3.1 What is the level of your education?

a) Illiterate ☐ b) Primary School ☐

c) Middle School ☐ d) High School ☐

4. Right to Food

4.1 Do you get sufficient food per day?

a) Yes ☐ b) No ☐

4.2 How many times do you have food per day?

a) 1 time ☐

b) 2 times ☐

c) 3 times ☐

II. RIGHT TO SOCIAL SECURITY

1. Right to Medical Assistance

1.1 Medical aid is available by

a) Private doctors ☐

b) Government doctors ☐

1.2 Whether you are treated properly and the medicines are available in Primary Health Centers and Government General Hospital

a) Yes ☐ b) No ☐ c) NA ☐

1.3 Do you have the benefit of health camps?

a) Yes ☐ b) No ☐

2. Right to Free Legal Aid

2.1 Are you aware of the availability of free legal aid?

a) Yes ☐ b) No ☐

2.2 If yes, have you ever been benefited through this facility?

a) Yes ☐ b) No ☐

2.3 How do you get compensation?

a) Directly from owner ☐

b) Through free legal aid ☐

c) No compensation received ☐

d) NA ☐

3. Tannery Workers Social Security and Welfare Board

3.1 Are you a registered member of Tannery Workers Social Security Welfare Board

a) Yes ☐ b) No ☐

3.2 If yes, what are the social security benefits/assistance that you have availed through the board/scheme

---

PART – B

ISSUES OF TANNERY WORKERS AT WORK PLACE

I. RIGHT TO JUST AND HUMANE CONDITIONS OF WORK

1. General Work Conditions

1.1 Floors (Walking and surfaces) non slippery Yes ☐ No ☐

1.2 Uncovered and unguarded floor opening Yes ☐ No ☐

1.3 Windows are clean Yes ☐ No ☐

2. Housekeeping

2.1 Solid waste removed from the work area Yes ☐ No ☐

2.2 Removal of empty barrels Yes ☐ No ☐

2.3 Floor clean and free of chemical spills Yes ☐ No ☐

2.4 Drains provided with covers and free of clogging Yes ☐ No ☐

3. Work Climate and Facilities

3.1 Ventilation in place and working Yes ☐ No ☐

3.2 All lights working and fitting clean and free of corrosion Yes ☐ No ☐

3.3 Do you have the following facilities available at work place?

S.No	Facilities	Yes	No
1	Clean drinking water		
2	Rest Rooms		
3	Separate Mess Rooms		
4	Separate accommodation for clothing put off during working hours		
5	Wash room, showers clean and in good order		
6	Transportation		
7	Lunch		
8	Tea		

4. Material Handling

4.1 All chemical containers of chemicals used are labeled and marked Yes ☐ No ☐

4.2 Chemical containers are covered with lids/taps are closed Yes ☐ No ☐

4.3 Combustible/flammable material kept away from ignition sources Yes ☐ No ☐

4.4 Raw material/material process are kept on pallets/tables/stacks/racks Yes ☐ No ☐

4.5 Materials are moved using trolley Yes ☐ No ☐

5. Emergency Preparedness

5.1 At least two emergency exits available in the work area Yes ☐ No ☐

5.2 Eyes rinsing/emergency showers installed Yes ☐ No ☐

5.3 Emergency rescue equipment readily available and Its location marked Yes ☐ No ☐

5.4 Do you have first aid facilities at work place Yes ☐ No ☐

5.5Do you have cautionary notice on anthrax Specified by the chief inspector Yes ☐ No ☐

5.6 Do you have cautionary notice on the effect of chrome on skin specified by the chief inspector Yes ☐ No ☐

5.7 Position of the first-aid box and the name of the person in charge of such box Yes ☐ No ☐

6. Personal Protective Equipment

6.1 Do you have the following facilities available at work place?

S.No	Facilities	Yes	No
1	Protective Clothing a. Aprons b. Gloves c. Safety Shoes/Boots		
2	Hearing Protection		
3	Protective Goggles and Shields		
4	Respirators		

7. Equipment Machinery

7.1 Does your work involve machine handling Yes ☐ No ☐

If yes answer the following questions

7.2 Passive safety devices (guards, covers, fences) on prime mover/belts/open gears/transmission parts in place Yes ☐ No ☐

7.3 Adequate space available around the machine to allow Maintenance, cleaning and removal of waste Yes ☐ No ☐

7.4 Wires around machine insulated and placed in cable ducts Yes ☐ No ☐

7.5 Operation control labeled and in local language and In reach of worker Yes ☐ No ☐

7.6 Lock out system used while maintenance on machine and electrical installations on going Yes ☐ No ☐

8. Right to Form Trade Union

8.1 Is there any trade union at your work place

a) Yes ☐ b) No ☐

8.2 If yes, are you a member of such trade union

a) Yes ☐ b) No ☐

I. RIGHT TO PROTECTION FROM HARASSMENT

1. Is there any harassment at your work place?

   a) Yes ☐ b) No ☐

2. What kind of harassment do you face at work place?

	Yes	No	NA
a) Verbal	☐	☐	☐
b) Physical	☐	☐	☐
c) Gestural	☐	☐	☐
d) Psychological	☐	☐	☐

3. If yes, who harasses you?

	Yes	No	NA
a) Owner	☐	☐	☐
b) Supervisor	☐	☐	☐
c) Colleague	☐	☐	☐

   d) Others Specify ……….

4. How do you react against harassment?

   a) Quit the Job ☐
   b) Remain Silent ☐
   c) Report to high officials ☐
   d) NA ☐

III. RIGHT TO PROTECTION FROM OCCUPATIONAL HEALTH PROBLEMS

1. Right to Pollution Free Environment

1.1 Are you working in a polluted environment?

a) Yes ☐ b) No ☐ c) NA ☐

1.2 If yes, what kind of pollution are you exposed to

S.No	Pollution	Yes	No	NA
1	Air Pollution			
2	Noise Pollution			
3	Water Pollution			

2. Occupational Health Problems

2.1 How many years are you working in tanneries?

a) 1 year ☐
b) 2 years ☐
c) 3 years ☐
d) More than 3 years ☐

2.2 So far, have you faced any occupational health problems?

a) Yes ☐ b) No ☐

2.3 If yes, what kind of diseases have you faced so far?

	Yes	No	NA
a) Skin Allergy	☐	☐	☐
b) Respiratory Problems	☐	☐	☐
c) Hearing Impairment	☐	☐	☐
d) Eye Irritation	☐	☐	☐

Appendices

APPENDIX 2.1

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed that the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) The right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without nay limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrary deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right to equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
(2) Everyone, without any discrimination, has the right to equal pay for equal work.
(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and the family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
(4) Everyone has the right to form and join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, atleast in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally

available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX 2.2

List of ILO Conventions Ratified by India

S.No	No. and Title of Convention	Date of Ratification
1.	No.1 Hours of Work (Industry) Convention, 1919	14.07.1921
2.*	No.2 Unemployment Convention, 1919	14.07.1921
3.	No.4 Night Work (Women) Convention 1919	14.07.1921
4.	No.5 Minimum Age (Industry) Convention, 1919	09.09.1955
5.	No.6 Night Work of Young Persons (Industry)Convention, 1919	14.07.1921
6.	No.11 Right of Association (Agriculture) Convention, 1921	11.05.1923
7.	No.14 Weekly Rest (Industry) Convention, 1921	11.05.1923
8.	No.15 Minimum Age (Trimmers and Stokers) Convention, 1921	20.11.1922
9.	No.16 Medical Examination of Young Persons (Sea) Convention, 1921	20.11.1922
10.	No.18 Workmen's Compensation (Occupational Diseases) Convention, 1925	30.09.1927
11.	No.19 Equality of Treatment (Accident Compensation) Convention, 1925	30.09.1927
12.	No.21 Inspection of Emigrants Convention,1925	14.01.1928
13.	No.22 Seamen's Articles of Agreement Convention, 1926.	31.10.1932
14.	No.26 Minimum Wage-Fixing Machinery, Convention, 1928	10.01.1955
15.	No.27 Marking of Weight (Packages Transported by Vessels) Convention, 1929	07.09.1931
16.	No.29 forced Labour Convention, 1930	30.11.1954
17.	No.32 Protection Against Accidents (Dockers) Convention (Revised),1934	13.01.1964
18.@	No.41 Night Work (Women) Convention (revised),1934.	22.11.1935
19.	No.41 Workmen's Compensation (Occupational Disease) Convention (Revised), 1934.	13.01.1964
20.	No.45 Underground Work (Women) Convention, 1935	25.03.1938
21.	No.80 Final Articles Revision Convention, 1946	17.11.1947
22.**	No.81 Labour Inspection Convention, 1947	
23.	No.88 Employment Services Convention,1948	24.06.1959
24.	No.89 Night Work (Women) Convention (Revised),1948	27.02.1950
25.	No.90 Night Work of Young Persons (Industry) Revised), 1948	27.02.1950
26.	No.100 Equal Remuneration Convention, 1951	25.09.1958
27.	No.107 Indigenous and Tribal population Convention, 1957	29.09.1958
28.	No.111 Discrimination (Employment & Occupation) Convention, 1958	03.06.1960
29.	No.116 Final Articles Revision Convention, 1961	21.06.1962
30.#	No.118 Equality of Treatment (Social Security) Convention, 1962	19.08.1964
31.@@	No.123 Minimum Age (Underground Work)Convention, 1965	20.03.1975

S.No	No. and Title of Convention	Date of Ratification
32.	No.115 Radiation Protection Conventionm 1960	17.11.1975
33.	No.141 Rural Workers Organisation Convention, 1975	18.08.1977
34.	No.144 Tripartite Consultation (International Labour Standards) Convention, 1976	27.02.1978
35.	No.135 Benzene Convention, 1971	11.06.1991
36.##	No.160 Labour Statistics Convention, 1985	01.04.1991
37.	No.147 Merchant Shipping (Minimum Standards), 1976	26.09.1996
38.	No.122 Employment Policy Convention 1964	17.11.1998
39.	No.105 Abolition of Forced Labour, 1957	18.05.2000

*Later denounced, The Convention requires, internal furnishing of statistics concerning unemployment every three months which is considered not practicable.
@ Convention denounced as a result of ratification of Convention No.89
** Excluding Part II.
Branches © and (g) and Branches (a) to (c) and (i).
@@ Minimum Age initially specified was 16 years but was raised to
Article 8 of Part –II

APPENDIX 3.1

SUBJECT-WISE CLASSIFICATION OF INCIDENTS LEADING TO COMPLAINTS/ *SUO MOTU* ACTION

Code No	Major Head	Sub-Code No	Sub-head
100	**Children**	100.01	Child Labour
		100.02	Child Marriage
		100.03	Child Prostitution
		100.04	Exploitation of Children
		100.05	Immoral Traffic in Children
		100.06	Cruelty to Children
		100.07	Neglect of Children
500	**Labour**	500.01	Bonded Labour
		500.02	Exploitation of Labour
		500.03	Forced Labour
		500.04	Hazardous Employment
		500.05	Slavery
		500.06	Traffic in Human Labour
900	**Religion Community**	900.01	Communal Violance
		900.02	Group Clashes
		900.03	Racial Discrimination
		900.04	Religious Discrimination
1000	**Women**	1000.01	Abduction, rape and Murder
		1000.02	Discrimination against Women
		1000.03	Dowry Death or Attempt
		1000.04	Dowry Demand
		1000.05	Exploitation of Women
		1000.06	Gang Rape
		1000.07	Indignity of Women
		1000.08	Immoral Trafficking of Women
		1000.09	Rape
		1000.10	Sexual Harassment
1001	**Miscellaneous**	1001.01	Disappearance
		1001.02	Unlawful actions of Public Servants
		1001.03	Unlawful Eviction

APPENDIX 3.2
FORM A.
(Regulation No.10)

STATE HUMAN RIGHTS COMMISSION, TAMIL NADU LAW DIVISION

Case No. of Classification: Code No.

SCRUTINY REPORT

1. Diary No.of :
2. Name of the Complaint :
3. Personal or Public interest complaint :
4. Date of Occurrence :
5. District :
6. Whether complaint is directly made to the Commission :
7. Whether only a copy is marked to the Commission :
8. If suomotu action is to be taken the source of information :
   1. News Item :
   2. Any other source :
9. Name, designation and address of Public Servant, who violated Human Rights or by whose negligence the violation was not prevented. (Enter here all the names and addresses if more than one is complained against) :
10. Name, Designation and Address of the authority from whom report or information is to be called for :
11. Gist of the complaint or action (Enter here brief account of the complaint or suo-motu action) :
12. Details of any other complaint or action pending or disposed of on the same subject matter :
13. Relief paid for :

Date: **Assistant Registrar**

APPENDIX 3.3

FORM – 1

[See clause 9(2)]

APPLICATION FOR REGISTRATION IN TANNERY WORKERS SOCIAL SECURITY WELFARE BOARD

Registration No.......
(To be filled in by office)

Affix Passport Size Photograph

1. Name of the Worker :
2. Name of the Father/Husband :
3. Date of birth :
   (Enclose evidence to prove age) Day Month Year
4. Marital Status
   (Whether married, unmarried, widow/widower) :
5. Permanent address :
6. Present address :
7. State whether self-employed or employed :
8. If employed, furnish the name and address of the establishment and also the name and address of the employer/Contractor :
9. Nature of work :
10. No. of years engaged in the employment as on the date of application :
11. Particulars of the members of the family

Sl. No.	Name	Age	Relationship	Marital status
(1)	(2)	(3)	(4)	(5)

12. (a) Whether the wife/husband is employed ? :
    (b) If so furnish details
13. Nomination :

Name and address the nominee/Nominees	Nominees Relationship with the worker	Age of the nominee	Percentage of amount to be paid to each nominee
(1)	(2)	(3)	(4)

Signature or left hand thumb Impression of the Manual Worker

CERTIFICATE OF EMPLOYMENT

Certified that the particulars furnished by the worker in the application for registration are true to the best of my knowledge and belief.

Place:

Date:

Signature and name of the person/Officer issuing the Certificate *

*Strike off whichever is not necessary.

APPENDIX 3.4

FORM-VI
[See clause 17(3) (a)]
ACCIDENT INTIMATION FORM

To
The Secretary,
....
....

To
The Inspector /Sub-Inspector of Police

Sir,

Thiru/Thirumathi/Selvi/Selvan .... son of/wife of/daughter of .... Employed in the work place .... at .... has suffered loss of limbs/loss of eye-sight/total disablement/partial injury/death due to accident.

(Signature of the Employer)

Address:

Date :

Signature of the worker / Nominee / Representative of a Trade Union.

APPENDIX 3.5

FORM – VII
[See clause 17(3)(b)]
CLAIM FORM FOR ACCIDENT

To
The Secretary.
....
....

1. Name of the Worker :
   Address :
   Age :
   Occupation :
2. Area :
   Place :
   Taluk :
   District :
3. Name of the claimant :
4. Relationship with the injured member :
5. Whether the member himself/herself of his/her nominee :
6. Date and time of accident :
7. Place of accident :
(a) at the work place :
(b) outside the work place :
8. Whether the accident resulted in death/ loss of limb/loss of eye sight/partial injury :
9. Date and time of death (with documents specified in the scheme) :

Place :

Date :

Signature
(Manual Worker/Nominee)

APPENDIX 3.6
FORM – VIII
[See clause 18(2)]
APPLICATION FOR PENSION

To
The Secretary,
Tamil Nadu ______________________ Welfare Board,
8, Valluvar Kottam High Road,
Nunagambakkam,
Chennai-600 034.

Passport Size Photograph Duly signed

Sir,

Sub: Application for Sanction of Pension

1. Name of the Applicant :

2. Address in full (to which pension is to be sent) (with PIN code) :

3. Registration No. and date : (Original Identity Card should be enclosed)

4. Age and Date of completion of 60 years of age :

5. Date of Completion of continuous period of five years as registered worker of the Board :

6. Whether the Registration has been renewed regularly without any default? If so, details may be furnished :

S.No	Cash Receipt No and Date	Amount Rs.	Period of Validity of Registration/Renewal	
			From	To

(Original Receipt for Registration and last renewal to be enclosed)

7. Whether the applicant has become disabled due to sickness and incapacitated from normal work? (If so a Certificate by a Medical Officer not below the rank of Civil Surgeon under his name and seal should be enclosed in original) :

8. Whether in receipt of any other Pension?
If so, furnish complete details :

DECLARATION

I hereby certify that the facts mentioned above are true to the best of my knowledge and information. I am not a registered worker of any other Board.

Place: Signature/Thumb impression

Date: Name :

Note : 1. Besides the photograph affixed above another passport size photograph should be enclosed with the application.
2. Incomplete applications will not be considered.

APPENDIX 3.7
FORM – IX
[See clause 19(2) and 20(2)]
APPLICATION FOR GRANT OF FUNERAL EXPENSES/ NATURAL DEATH ASSISTANCE

To
The Secretary.
....
Chennai.

1. Name of the Registered Manual Worker
2. Address
3. Age
4. Nature of work
5. Registration number and date
   (Original Identity card shall be enclosed).
6. (a) Place of death
   (b) Date of death
   (c) Cause of death
   (Death Certificate shall be enclosed)
7. (a) Name of the applicant
   (b) Age of the applicant
   (c) Address of the applicant
   (d) Relationship of the applicant to the deceased registered manual worker

Place :
Date : Signature of the applicant.

CERTIFICATE

I hereby certify that the above particulars are correct.

Place :

Members, ...Tamil Nadu ....
....Welfare Board
President/Secretary of the Registered Trade Union of the Employment concerned.

SANCTION

I hereby sanction a sum of Rs.2,000/- (Rupees two thousand only)/Rs.15,000/- (Rupees fifteen thousand only) to the applicant for the funeral expenses/natural death assistance of the deceased registered manual worker Thiru/Thirumathi/

Secretary.
Tamil Nadu Footwear and Leather Goods Manufactory and Tannery Workers Welfare Board or any other Officer authorised in this behalf by the Board.

Place :

Date :

APPENDIX 3.8
FORM – X
[See clause 21(3)]
APPLICATION FOR EDUCATIONAL ASSISTANCE

1. Name of the registered manual worker.
2. Registration Number (Attested Xerox Copy of identity card to be enclosed).
3. (a) Permanent address
   (b) Present address

4. Details of son or daughter of the registered manual worker . –

Serial No.	Name	Age

5. Details of the son or daughter for whom educational assistance is sought . –

Serial No.	*Name*	*Date of Birth*	*Examination*	*Name of the School*

(Attested Xerox copy of the mark-sheet shall be enclosed)

Signature of the Registered Manual Worker

CERTIFICATE

I hereby certify that the above particulars are correct.

Place :

Members, ...Tamil Nadu ....
....Welfare Board

Date :

President/Secretary of the Registered Trade Union of the Employment concerned.

SANCTION

I hereby sanction a sum of Rs.1,000/- (Rupees One thousand only) *Rs.1,500/- (Rupees One thousand five hundred only) to the claimant as educational assistance.

Secretary,
Tamil Footwear and Leather Goods Manufactory and Tannery Workers Welfare Board or any other Officer authorised in this behalf by the Board.

Place :

Date:

* Strike out whichever is not applicable.

APPENDIX 3.9

SCHEME ASSISTANCES OF THE BOARD

1. **Accident Insurance Scheme**		**Rs.**
a) Accidental Death	-	1,00,000/-
b) Accidental Disability	-	Based on Extent of Disability
2. Natural Death Assistance	-	15,000/-
3. Funeral Expenses Assistance	-	2,000/-
4. Educational Assistance :-		
a) Girl Children Studying 10th	-	1,000/-
b) 10th Passed	-	1,000/-
c) Girl Children Studying 10th	-	1,000/-
d) Girl Children Studying 12th	-	1,500/-
e) 12th Passed	-	1,500/-
f) Regular Degree Course	-	1,500/-
With Hostel Facility	-	1,750/-
g) Regular Post Graduate Course	-	2,000/-
With Hostel Facility	-	3,000/-
h) Professional Degree Course	-	2,000/-
With Hostel Facility	-	4,000/-
i) Professional PG Course	-	4,000/-
With Hostel Facility	-	6,000/-
j) I.T.I or Polytechnic Course	-	1,000/-
With Hostel Facility	-	1,200/-
5. Marriage Assistance	-	2,000/-
6. Maternity Assistance	-	6,000/-
7. Reimbursement of Cost of Spectacles	-	up to 500/-
8. Pension	-	300/-

